



# भारत का राजपत्र The Gazette of India

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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 9th December, 2022: —

### BILL NO. 36 OF 2021

*A Bill further to amend the Railways Act, 1989.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Railways (Amendment) Act, 2021.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

24 of 1989.

2. After section 11 of the Railways Act, 1989, the following section shall be inserted, namely:—

Insertion of new  
section 11 A.

"11A. Notwithstanding anything contained in any other law for the time being in force, the railway administration shall not transfer or vest any property, interest in property, rights and liabilities in favour of any entity other than a Government entity while executing any work specified in section 11."

Restriction on  
transferring  
interest, rights  
and liabilities  
in favour of  
any entity  
other than a  
Government  
entity.

## STATEMENT OF OBJECTS AND REASONS

Indian Railways is an important infrastructure that is held in the public sector. Any attempt to privatise or attempts to introduce privatization in a phased manner or introducing partial private ownership mandates or protocols shall have an undesirable impact on lives of the common people as the railways is still an affordable and cost effective mode of mass commutation being operated by the Ministry of Railways.

It is thus important to prevent any attempt to privatise the railway services and maintain the railway services in governmental control and management with legislative changes prohibiting any action which seeks to change its fundamental ownership character.

Hence, this Bill.

NEW DELHI;  
11 *February*, 2021

KODIKUNNIL SURESH.

## BILL NO. 95 OF 2021

*A Bill further to amend the Information Technology Act, 2000.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Information Technology (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21 of 2000.

2. For section 43A of the Information Technology Act, 2000, the following section shall be substituted, namely:—

Substitution of new section for section 43A.

"43A. Where a body corporate, possessing, dealing or handling any sensitive personal and financial data or such information in a computer resources which it owns, controls, operates either on its own or through intermediaries under agreement, is negligent in implementing and maintaining security practices and effecting protocols and thereby causes wrongful loss or wrongful gain to any person, such body corporate shall be liable to pay damages by way of compensation with additional applicable interest to the person so affected as determined by the competent authority or tribunal."

Compensation for failure to protect data.

## STATEMENTS OF OBJECTS AND REASONS

The Information Technology Act, 2000, is an important gatekeeper legislation that protects the rights to privacy of individuals utilizing the electronic and internet enabled services and equipments provided by internet service providers in the country.

With alarming rise in breach of privacy and data, including personal and financial identity being rampantly breached, often with established service providers and companies in connivance, it is imperative to consistently safeguard the right to privacy and data integrity of individuals. It is imperative that timely statutory interventions and legislative is rendered to streamline and operationalize a robust compensation mechanism to that the aggrieved parties are compensated fairly.

The Bill, therefore, seeks to amend the Information Technology Act, 2000, with a view to extent the ambit of the principal Act to ever recourse to end users by—

(a) protecting and safeguarding the rights of individuals against data theft and data privacy by including financial data under the ambit of parent Act;

(b) imposing an obligation on the body corporate possessing, dealing or handling any sensitive personal data, financial data or such information whether on its own or through any intermediaries to implement and maintain security practices of such sensitive personal data, etc.; and

(c) imposing applicable interest in addition to the compensation payable by the body corporate in case of wrongful gain or wrongful loss compensations for losses suffered to any person.

Hence this Bill.

NEW DELHI;  
25 January, 2021

KODIKUNNIL SURESH.

## BILL NO. 85 OF 2021

*A Bill further to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021.

Short title and  
commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 2016.

**2.** In section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, for the words "Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both:", the words "Whoever, having the actual charge of, or control over, or responsibility of, a child, assaults, abandons, abuses, exposes or wilfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in any manner likely to cause such child any psychological or physical trauma or suffering, shall be punishable with imprisonment for a term which may extend to seven years or with fine of ten lakh rupees or with both:" shall be substituted.

Amendment  
of section 75.

## STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act 2015, is an important gatekeeper legislation that protects the rights of children. It is designed to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established under the Act.

Despite the above law, there is alarming rise in cases of child abuse. It is, therefore, necessary to amend this Act.

The Bill, therefore, seeks to amend the Juvenile Justice (Care and Protection of Children) Act 2015, with a view to bring causing of psychological and physical trauma to a child within the meaning of cruelty to child and to enhance the quantum of term of imprisonment and time for offence of cruelty to child.

Hence, this Bill.

NEW DELHI;  
23 January, 2021

KODIKUNNIL SURESH.

## BILL NO. 118 OF 2022

*A Bill to provide for establishment of an Authority for rehabilitation and welfare of persons living around railway tracks and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks Act, 2022.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "around railway tracks" means the land area extending upto twenty-five meters on both sides of the railway tracks and includes land of such villages which are close to the site of railway tracks;

(b) "Authority" means the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks established under section 3; and

(c) "prescribed" means prescribed by rules made under this Act.

Establishment  
of the  
National  
Authority for  
Rehabilitation  
and Welfare of  
Persons  
Living around  
Railway  
Tracks.

3. (1) The Central Government shall, by notification, in the Official Gazette, establish an authority to be known as the National Authority for Rehabilitation and Welfare of Persons Living around Railway Tracks for carrying out the purposes of this Act.

(2) The Authority shall consist of,—

(a) the Union Minister of Railways — Chairperson, *ex-officio*;

(b) twenty-eight members representing each of the States to be nominated by the Central Government in consultation with the concerned State Governments;

(c) twelve members representing the persons living around railway tracks for a period of not less than ten years, to be appointed by the Central Government in such manner as may be prescribed;

(3) The headquarters of the Authority shall be at New Delhi.

(4) The Authority shall establish its offices in the capital city of every State and Union territory.

(5) The Central Government shall provide such number of officers and other employees to the Authority, as may be necessary, for carrying out the purposes of this Act.

(6) The salary and allowances payable to, and other terms and conditions of service of members, officers and employees of the Authority shall be such as may be prescribed.

Functions of  
the Authority.

4. (1) The Authority shall formulate a policy to provide for such measures, as may be necessary, for the rehabilitation and welfare of persons living around railway tracks.

(2) The Authority shall provide to the persons living around railway tracks such facilities, free of cost, namely:—

(i) dwelling units at alternate sites, in case their land is acquired by the Central Government;

(ii) free educational facilities to the dependent children;

(iii) drinking water and sanitation facilities; and

(iv) healthcare facilities.

Central  
Government  
to provide  
funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Authority for carrying out the purposes of this Act.



6. The Authority shall prepare once in every calender year in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the President of India who shall cause the same to be laid before each House of Parliament.

Annual report.

7. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Overriding effect of the Act.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such order or give such directions, not inconsistent with the provisions contained in this Act, as appears to it to be necessary or expedient for the removal of such difficulty:

Power to remove difficulties.

Provided that no such order shall be made after two years for the commencement of this Act.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Several persons come to big cities in search of livelihood as scant opportunities exist in their native villages. They are force to stay back in the big cities and most of them have to live around the railway tracks as they do not have the means to afford the expenses of living in big cities and they also have a burden on their shoulders to send some money out of their earnings to their families back home. In such a scenario, they are force to live in subhuman conditions. Due to lack of civil amenities like latrines, they are force to defecate in the open in all types of weather, *i.e.*, scorching heat or rain. They do not have access to drinking water and have to travel a long distance to fetch water for daily needs. Moreover, they have to live in deprivation of educational facilities for their children and healthcare centres for their families. Since ours is a welfare state, it is the duty of the Government to take care of its citizens who are not in a position to take care of themselves. Thus, there is a dire need to protect and rehabilitate the affected persons living around railway tracks.

Hence, this Bill.

NEW DELHI;  
18 November, 2021

ALOK KUMAR SUMAN.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Authority for the rehabilitation and welfare of persons living around railway tracks. It further provides for salary and allowances payable to the members, officers and employees of the National Authority. Clause 4 provides for certain welfare measures to the people living around railway tracks. Clause 5 provides for payment of funds to the Authority by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees three thousand will be involved.

A non-recurring expenditure of about rupees two thousand is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

## BILL NO. 97 OF 2022

*A Bill to provide financial assistance to the State Governments for protection of water bodies.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Financial Assistance to the State Governments (For Protection of Water Bodies) Act, 2022.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(i) "aquatic ecosystem" means all organic and inorganic matter and all living organisms living in or located in or on water or the beds or shores of a water body;

(ii) "drain" included gutters, wastewater canals, sewers and all outlets or flow of waste water including overflow of rainwater;

(iii) "groundwater" means all water under the surface of the ground, whether in solid or liquid form; and

(iv) "water body" means a body of flowing or standing water, whether natural or artificial and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, tank, well, pond and wetland.

State Governments to inform the Central Government.

**3.** Every State Government shall inform the Central Government—

(i) about the existence of water bodies in the respective State;

(ii) requirement of financial assistance to protect the water bodies in the State.

Power of State Governments to make regulation.

**4.** Every State Government shall, before informing the Central Government under section 3, make a regulation for the purpose of—

(a) designating any area as a water quality control zone for the purpose of protecting water, aquatic eco-system or drinking water source;

(b) governing, regulating or prohibiting any use or activity in a water quality control zone or any part of a zone;

(c) improving the drainage and sewerage system;

(d) ensuring clear separation between sewerage/waste water and sources of clean water to avoid contamination; and

(e) ensuring quick absorption or clear flow of rain water for conservation.

State Government to consider the scientific, intrinsic and other information relating to water bodies.

**5.** Every State Government shall, before informing to the Central Government under section 3, take into consideration the scientific, intrinsic and other information relating to—

(a) the physical characteristics of land in the area, including its topography and soil types;

(b) the ability of the soil or water in the area to assimilate nutrients and other pollutants;

(c) water bodies or groundwater in the area, including information relating to:—

(i) the quality characteristics of the water;

(ii) the susceptibility of the water to contamination or adverse changes in level; and

(iii) the extent to which the water is undisturbed by human activity;

(d) the area's aquatic ecosystems;

(e) whether the area contains a source or a potential source, of drinking water;

(f) whether the area supports species that are sensitive to alterations in water quality or quantity resulting from human activity;

(g) whether the area provides habitat for endangered species; and

(h) the perception of farmers and native inhabitants of the area regarding quality, quantity and prospects of water in a particular zone including—

(i) the possibilities of flood and/or water logging; and

(ii) any other matter which the Government considers relevant.

- 6.** The Central Government shall render scientific and technical advice and assistance to State Governments if so required to achieve the purposes of this Act. Central Government to render scientific and technical advice.
- 7.** (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to every State Government for protection of water bodies and for promotion of rain harvesting and watershed management programmes. Central Government to provide financial assistance to State Governments.
- (2) The Central Government shall before releasing the money, ensure that the State Government has complied with the provisions of this Act.
- 8.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Water is the most valuable natural resource of a country. However, the scarcity and supply of clean water is a major concern for the sustenance of human, animal, plant and ecology. The protection of water resources/water bodies available in the country is an endless - task to be completed by the Government. The major constraint in this regard is the lack of financial resources available with the States.

The Bill, therefore, seeks to provide financial assistance to the State Governments for the protection of water bodies and promotion of rain harvesting and watershed management programmes.

Hence, this Bill.

NEW DELHI;  
18 *November*, 2021

ALOK KUMAR SUMAN.

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PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3)  
OF THE CONSTITUTION

[Copy of letter No. P-22021/2/2021-O/o SJC(MI)-MOWR dated 4 February, 2022 from Shri Gajendra Singh Shekhawat, Minister of Jal Shakti to the Secretary General, Lok Sabha].

The President, having been informed of the subject-matter of the Financial Assistance to the State Governments (For Protection of Water Bodies) Bill, 2022 by Dr. Alok Kumar Suman, M.P., recommends to the House, the consideration of the Bill under clause (3) of article 117 of the Constitution.

## FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for rendering of scientific and technical advice and assistance to the State Governments. Clause 7 provides for financial assistance to every State Governments for protection of water bodies, etc.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

## BILL NO. 100 OF 2022

*A Bill to provide for constitution of a Committee for fixing the prices of drugs and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Drugs (Price Control) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "dealer" means a person engaged in the business of purchase or sale of drugs, whether as a wholesaler or retailer and whether or not in conjunction with any other business and includes his agent;

(b) "distributor" means a distributor of drugs or his agent and includes a stockist appointed by a manufacturer or an importer for stocking his drugs for sale to a dealer; and

(c) "drug" includes—

(i) all medicines for internal or external use of human beings and all substances intended to be used for, or in the diagnosis, treatment, mitigation, or prevention of any disease or disorder in human beings including preparations applied on human body for the purpose of repelling insects like mosquitoes;

(ii) such substances, intended to affect the structure or any function of the human body or intended to be used for the destruction of vermin or insects which cause diseases in human beings; and

(iii) drugs of all systems of medicine like allopathy, homoeopathy, ayurveda, unani, siddha.

3. (1) There shall be constituted a Committee to be known as the Drugs (Price Control) Committee (hereinafter referred to as the Committee) to fix the prices of drugs.

Constitution of Drugs (Price Control) Committee.

(2) The Committee shall consist of—

(i) the Minister of Health and Family Welfare, Government of India — Chairman, *ex officio*;

(ii) three representatives of major hospitals including Government run hospitals — Members;

(iii) two representatives of drugs industry — Members;

(iv) two representatives of Indian system of medicine — Members;

(v) Secretary to the Government of India, Ministry of Health and Family Welfare — Member Secretary, *ex officio*.

4. The Committee shall—

Functions of the Committee.

(i) fix the prices of drugs after taking into consideration the costs of manufacturing, storage, packaging, import of formulation and distribution as well as profit of manufacturer and such other factors as it may deem necessary;

(ii) promote the use of generic drugs; and

(iii) determine the standard of drugs.

5. No person or a manufacturer or a distributor or a dealer shall sell any drug to any consumer at a price exceeding the price fixed by the Committee.

Prohibition on selling of drug at a price exceeding the price determined by the Committee.

6. (1) Whoever contravenes the provisions of this Act shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to one lakh rupees.

Penalty.

(2) Where an offence under this Act has been committed by a company, the license of such company shall be cancelled forthwith.

*Explanation.*—For the purpose of this sub-section (2), "company", means any body corporate, and includes a firm or other association of individuals.

Power to  
make rules.

**7. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECT AND REASONS

Prices of drugs and medicines are on the increase. The prices are increased arbitrarily by manufacturers and traders. People, especially poor people are affected by the exorbitant cost of drugs. They are not able to afford the medicines. At present there is no check on the prices of drugs. Medical practitioners with the lure of money and costly gifts from manufacturers generally prescribe costly medicines which common man cannot afford. They should instead prescribe generic drugs.

The Bill seeks to constitute a Committee to—

- (i) fix the prices of drugs;
- (ii) promote the use of generic drugs; and
- (iii) determine the standard of drugs.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
18 November, 2021

ALOK KUMAR SUMAN.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Committee to be known as the Drugs (Price Control) Committee to fix the prices of drugs. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two hundred crore per annum.

A non-recurring expenditure of about rupees eighty crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

## BILL NO. 113 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

- |  |                               |
|--|-------------------------------|
| <b>1.</b> (1) This Act may be called the Constitution (Amendment) Act, 2022.   | Short title and commencement. |
| (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.     |                               |
| <b>2.</b> After article 44 of the Constitution, the following article shall be inserted, namely,—                              | Insertion of new article 44A. |
| "44A. The State shall take steps to control population growth by promoting small family norms to achieve a stable population." | Population control.           |
| <b>3.</b> In article 51A of the Constitution, after clause (k), the following clause shall be inserted, namely,—               | Amendment of article 51A.     |
| "(l) to adopt small family norms and work towards achieving a stable population."  |                               |

## STATEMENT OF OBJECTS AND REASONS

India is world's second most populous country after China. Aggressive population control measures have led to a substantial decline in fertility rate in China and, according to a recent United Nations report, India is slated to become the world's most populous nation in the next decade.

India has had shown a state-sponsored family planning programme since 1951. Of late, the programme has shown some results. The total fertility rate (TFR) has fallen from around 6 at the time of independence, to around 2.3. The result of the programme have, however, been skewed. While the States in the southern part of India and most States in western India have been receptive to the idea of family planning, many States in the northern parts of the country, which also account for majority of our population, have not shown encouraging results. The larger States like Uttar Pradesh, Madhya Pradesh and Bihar still continue to have a high fertility rate nearing 3. So much so, that the gains of achievement of other States in population control have largely been neutralized by the rise in population in these States.

The benefits of collective efforts of nation building have been squandered by rise in population which is evident from economic data. India's per capita Gross Domestic Product in 1998 was \$413 and it has grown to about \$2016 in the year 2018. However, during this period our population is estimated to have grown from 1 billion to 1.4 billion. If we had a stable population during this period, the per capita GDP would have been higher by another forty percent. Certainly, a rising population limits the ability of the State to provide better quality of life to its citizens, since a large chunk of national income is spent on maintaining the existing facilities.

It is, therefore, essential that a more focussed approach is adopted, even if it requires a change of strategy. Towards this end, the Bill seeks to insert a new directive principle in Part IV of the Constitution enjoining upon the State to take all steps to control population growth by promoting small family norms and achieve a stable population. The Bill also makes it a fundamental duty for citizens to adopt small family norms and work towards a stable population of the country.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
22 November, 2021

NISHIKANT DUBEY.

## BILL NO. 99 OF 2022

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 2022.

Short title.

45 of 1860.

2. After section 379 of the Indian Penal Code, 1860, the following sections shall be inserted, namely:—

Insertion of new sections 379A and 379B.

"379A. (1) Whoever, with the intention to commit theft, suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any moveable property, and makes or attempts to escape with such property, is said to commit snatching.

Snatching.

(2) Whoever, commits offences of snatching under sub-section (1) shall be punished with rigorous imprisonment for a term which shall not be less than five years but which may extend to ten years, and shall also be liable to fine of rupees twenty five thousand.

379B. Whoever, in order to commit snatching, or in committing the snatching, causes hurt or wrongful restraint or fear of hurt; or after committing the offence of snatching, causes hurt or wrongful restraint or fear of hurt in order to effect his escape, shall be punished with rigorous imprisonment which shall not be less than ten years but which may extend to fourteen years, and shall also be liable to fine of rupees twenty five thousand."

Snatching with hurt, wrongful restraint or fear of hurt.

## STATEMENT OF OBJECTS AND REASONS

Statistics show that there has been a multi-fold increase in the cases of snatching in the country. Every incident of snatching poses a threat to the law and order situation in the area and also affects the freedom of movement of people after a certain time in the evening. Some parts of the country have become notorious for their snatching incidents. This is emblematic to a larger crisis and has kept the police on edge.

Snatching is one of the worst forms of street crimes and measures must be taken to control their occurrence. The present law is unclear and does not apply uniformly throughout the country. Therefore, there is a need to have a single law with stringent punishment for the snatchers. The snatchers are mostly repeat offenders who have benefitted from the ill equipped legal system of the country.

This Bill draws inspiration from Haryana which saw a drop in the cases of snatching after they introduced a specific section in Indian Penal Code for snatching with increased punishment. In the end, we all desire and aim for a safe environment for the men and women of our country with the freedom to roam on the streets without fear.

Hence, this Bill.

NEW DELHI;  
22 November, 2022

NISHIKANT DUBEY.



## BILL NO. 116 OF 2022

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force at once.

**2.** In the Indian Penal Code, 1860 (hereinafter referred to as the Code), in section 326A, for the words "shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine", the words "shall be punished with death or rigorous imprisonment for life, and with fine which shall not exceed rupees fifteen lakh" shall be substituted.

Amendment of  
section 326A.

**3.** In the Code, in section 326 B, for the words "shall be punished with imprisonment of either description for a term shall not be less than five years but which may extend to seven years, and shall also be liable to fine", the words "shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years but which may extend to fourteen years, and shall also be liable to fine which shall not exceed rupees five lakh" shall be substituted.

Amendment of  
section 326B.

## STATEMENT OF OBJECTS AND REASONS

Acid attacks are becoming a growing phenomena which has a specific dimension in India. Laxmi's case is an example of what normally occurs in acid attack cases. The acid throwing is an extremely violent crime by which the perpetrator of the crime seeks to inflict severe physical and mental suffering on the victims. It is often motivated by deep seated jealousy or feelings of revenge against women. An acid attack has long lasting consequences on the life of the victim who faces a perpetual torture, permanent damage and other problems for rest of her life. Victims normally feel worthless, afraid and mortified and become social outcast because of the appearance.

Until 2013, there was no clear mechanism to ascertain the number of cases involving acid attacks since the Indian Penal Code did not recognise it as a separate offence. The offence of acid attack was tried under various sections of the Indian Penal Code and no estimates of figures of such attacks were available. The Criminal Law (Amendment) Act, 2013 inserted new section 326A and 326B in the Indian Penal Code and made specific offences of grievous hurt by use of acid and throwing or attempting to throw acid etc.

It is contended that even if the victims are willing to pursue a normal life, there is no guarantee that society itself will treat them as normal beings given their appearance and disability after attack. Therefore, the penalties proposed in the Indian Penal Code is insufficient and needs amendments for more rigorously punishing the perpetrators of these attacks and for monetary and economic rehabilitation of the victim of the attack.

The Bill proposes to enhance the quantum of penalty for acid attacks under sections 326A and 326B of the Indian Penal Code. It is expected that such stringent measures will curb acid attacks on women.

Hence, this Bill.

NEW DELHI;  
22 November, 2021

NISHIKANT DUBEY.

## BILL NO. 25 OF 2022

*A Bill to provide for the protective measures with need based rehabilitation and welfare to be undertaken by the Government for the distressed, infirm, neglected, and disowned widows by providing financial assistance, pension, medical care, housing and other facilities through a Welfare Board to such widows and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Widows (Protection and Welfare) Act, 2022.
- (2) It extends to the whole of India.
- (3) It shall come into force with immediate effect.

Short title,  
extent and  
commencement.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "disowned widow" means a widow who has been deserted or thrown out of household by her relatives to fend for herself and who has no means to support her and her dependent children, if any;

(b) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(c) "Board" means the Widows Welfare Board established under section 3;

(d) "distressed" in relation to a widow means any widow who lives uncared for and has become infirm due to old age or chronic or incurable disease, physical deformity or mental imbalance and who has no independent and adequate means of livelihood for her and her dependent children, if any;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "widow" means a legally married women whose husband has died.

Establishment  
of the Widows  
welfare Board.

3. (1) The Central Government, shall, as soon as may be, but not later than six months from the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the Widows Welfare Board for carrying out the purposes of this Act.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The headquarter of the Board shall be at Chalakudi in the State of Kerala and the Board shall establish its branches in all other States and Union territories at conspicuous places as the Board may deem fit and necessary.

(4) The Board shall consist of:—

(a) the Union Minister of Women and Child Development who shall be the chairperson *ex-officio*;

(b) a Deputy Chairperson, preferably a woman with such qualifications and experience, as may be prescribed, to be appointed by the Central Government;

(c) one member representing with such qualification, as may be prescribed, to be appointed by the Central Government;

(d) ten women Members from both the Houses of the People and the Council of States, to be nominated by the respective Presiding Officers of each House;

(e) six members representing Union Ministries of Women and Child Development, Home Affairs, Education, Health and Family Welfare, Finance and Social Justice and Empowerment;

(f) not more than eight members to be appointed by the Central Government in consultation with the Governments of the States, by rotation in alphabetical order, to represent the Governments of the States;

(g) two members to be appointed by the Central Government from amongst the registered non-Governmental Organisations (NGOs) working for the welfare of distressed widows, or single women, as the case may be.

(5) The salary and allowances payable to, and other terms and conditions of the Deputy Chairperson and members of the Board shall be such as may be prescribed.

(6) The Board shall follow such procedure for holding its meetings and the quorum for such meetings shall be such, as may be prescribed.

(7) The Board shall have a Secretariat consisting of a Member Secretary and such number of officers, and employees as may be prescribed.

(8) The salary and allowances payable to, and other terms and conditions of service of Member Secretary, officers and employees shall be such as may be prescribed.

**4.** (1) Notwithstanding anything contrary contained in any other law for the time being in force, the Board shall promote and implement such protective and welfare measures as it thinks appropriate, including rehabilitation for the distressed widows who are in dire need of such measures.

Functions of the Board.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall,—

(a) maintain district-wise register of the abandoned, disowned and distressed widows covered under this Act who are to be rehabilitated and are in need of assistance from the Board with such particulars and details and in such manner as may be prescribed;

(b) collect and get verified the antecedents of every widow covered under this Act to assess her need for assistance in such manner as may be prescribed;

(c) work out plans and formulate schemes for the overall welfare and rehabilitation of abandoned, disowned or distressed widows covered under this Act;

(d) give wide publicity through electronic and print media about the welfare and rehabilitation measures being undertaken by the Board to enable the women covered under this Act to avail them; and

(e) perform such other functions not inconsistent with the provisions of this Act, as may be assigned to it by the appropriate Government from time to time.

**5.** (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the National Distressed Widows Rehabilitation and Welfare Fund with an initial corpus of rupees fifty thousand crore for carrying out the purposes of this Act.

Constitution of National Distressed Widows Rehabilitation and Welfare Fund.

(2) The Fund shall be administered by the Board in such manner as may be prescribed.

(3) The Fund established under sub-section (1) shall consist of all receipts from—

(a) the Central Government and Governments of the States and Union territories and their institutions and organisations;

(b) body corporates, both public and private sector and Banks and financial institutions both domestic and foreign; and

(c) individuals, associations and others in the form of contributions or donations.

**6.** (1) On the recommendation of the Board or otherwise, the appropriate Government shall provide the widows covered under this Act, the following facilities, namely:—

Facilities to be provided by the appropriate Government.

(a) monthly subsistence allowance of not less than fifteen thousand rupees if the widow is having any dependent children and not less than ten thousand rupees in case she has no dependent children to support;

(b) residential accommodation free of cost wherever necessary;

(c) free medical care with medicines and with indoor and outdoor facilities as may be required;

(d) free education to the dependent children as per their talent including higher, medical, engineering and education in such manner as may be prescribed;

(e) gainful employment as per the physical condition after imparting vocational training wherever possible;

(f) financial assistance for rehabilitation like self - employment wherever required;

(g) free legal aid in case the widow has been thrown out or abandoned by her kith and kin; and

(h) such other facilities, as may be necessary for the rehabilitation, welfare, proper development, regaining her lost status in the family and for maintaining a respectable life in the society:

Provided that if a widow covered under this Act either gets married, remarried, gainfully employed or taken back by her kith and kin in the family, the facilities being provided to her shall be withdrawn by the appropriate Government.

(2) The costs incurred by the appropriate Government on providing the facilities under this Act to the widows covered under this Act shall be defrayed from the Rehabilitation and Welfare Fund established under section 5.

Protective provisions.

**7.** Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow covered under this Act shall:—

(a) not be evicted or thrown out of the house of the in-laws or parents, as the case may be or where such widow was last residing;

(b) be entitled to inherit the property or her share of jointly owned property from her in-laws or parents, as the case may be; or

(c) be entitled for maintenance from her in-laws or kith or kin who neglect or abandon the widow.

Establishment of hostels.

**8. (1)** The appropriate Government shall establish such number of hostels at conspicuous places in various parts of its territorial jurisdiction as it may deem necessary for boarding and lodging of abandoned and disowned and distressed widows covered under this Act with necessary facilities of daily life as may be prescribed.

(2) The appropriate Government shall also provide necessary free medical aid and medicines and means of entertainment for the residents of the hostels established under sub-section (1):

Provided that widows living in such hostels shall not be entitled to maintenance allowance.

Central Government to provide requisite funds.

**9.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the State Governments, Union territories and the Board, from time to time for carrying out the purposes of this Act.

Annual report to the Board.

**10.** The Board shall prepare an Annual Report in such form and in such manner, as may be prescribed, of its activities in implementing the provisions of this Act and submit it to the President of India who shall cause the report to be laid before both the the Houses of Parliament along with action taken thereon by the Central Government as soon as it is received.

Power to remove difficulty.

**11.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after expiry of three years from the date of commencement of this Act.

**12.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

**13.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the widows covered under this Act.

Act to supplement other laws.

**14. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that they should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule.

## STATEMENT OF OBJECTS AND REASONS

In our country, world's second most populous nation, there are millions of unfortunate and helpless women who lose their husbands during their lifetime and become widows. More than fifty per cent of these widows are old, infirm suffering from various diseases, physical deformity or mental imbalance particularly belonging to poor and middle class families who live uncared for and neglected by their near and dear ones and most of them are without independent and adequate means of livelihood and roof over their heads. It is very common that when a widow does not have any permanent source of income or livelihood she is driven out of her in-laws home or even from her parental home. Their problems increase manifold due to poverty and other compelling reasons where they have no other option but to go for begging for survival and many such widows can be seen begging in the streets and public places. Several women who become widows in their youth. Many of such widows work as housemaids and take up other jobs for survival. Many widows take shelter in old age homes but their number is lawfully very short. Their miseries increase when they have dependent children to support and bring up. They too need protective umbrella.

It is therefore imperative to establish an authority to exclusively take care of such widows throughout the country.

Hence, this Bill.

NEW DELHI;  
26 November, 2021

BENNY BEHANAN.



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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Widows Welfare Board. Clause 5 provides for the establishment of National Distressed Widows Rehabilitation and Welfare Fund with initial corpus of rupee fifty thousand crore to be provided by the Central Government. Clause 6 provides for financial assistance and other facilities for widows. Clause 8 provides for establishment of hostels. Clause 9 makes it mandatory for the Central Government to provide requisite and adequate funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. Apart from the initial corpus of rupees One Hundred crore, it is estimated that a sum of rupees Thirty Six crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees Fifty crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

## BILL NO. 43 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2022.

Omission of the  
Tenth Schedule.

**2.** The Tenth Schedule to the Constitution shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

The Constitution (Fifty-Second) Amendment Act, 1985 inserted the Tenth Schedule into the Constitution of India. Also known as the Anti-Defection Law, it was enacted to curtail the instability in the legislature caused due to continued defection.

In the last 37 years, the Tenth Schedule has attempted to reduce the occurrences of defection. As the political environment of India has evolved with time, it has become essential to strengthen the Constitution to make it more adept in countering the new-found challenges caused due to the Law.

At present, an inherent drawback of the Schedule is the restriction it places on the freedom of expression of Legislators. Over time, the scope of the Law has expanded to curtail their autonomy of thought. It has disincentivised Legislators from discussing matters of public importance in the House and effectively performing their duties.

Dr. B.R. Ambedkar, in his speech to the Constituent Assembly of India on 4 November, 1948, had differentiated between the Parliamentary and Presidential system of Government. While substantiating India's position to adopt the former, he identified a trade-off in a democracy between stability and responsibility of the Legislature. He believed that India requires a system of continuous accountability over stability. At present, the Anti-Defection Law threatens the accountability, and in the long run, the stability of our legislative system.

Once repealed, the Tenth Schedule shall create room for a more responsible, productive, and efficient legislative system that respects the mandate of the people. It will pave the way for Legislators to remain accountable only to their constituents and the people of India, without fear or favour from political parties.

The Bill, therefore, seeks to amend the Constitution with a view to provides for a complete repeal of the Tenth Schedule to the Constitution.

Hence, this Bill.

NEW DELHI;  
16 February, 2022

JAYANT SINHA.

## BILL NO. 110 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of  
article 72.

**2.** In article 72 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

"(1A) Nothing in this article shall apply to the punishment or sentence of any person convicted of any offence under the Protection of Children from Sexual offences Act, 2012 (Act No. 32 of 2012)."

## STATEMENT OF OBJECTS AND REASONS

At present under article 72 of the Constitution any convicted person may approach the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence. However, the need is to restrict accused persons convicted for an offence under Protection of Children from Sexual offences Act, 2012 (POCSO Act) from the scope of article 72 of the Constitution.

The exercise of the power by the President under article 72 is primarily a matter for his discretion and the courts would not interfere with his actual decision on the merits.

The power of President is independent of judiciary. Moreover all the convicts regardless of their crime have the right to request for mercy is illogical, disgrace, injustice and incompatibility with a civilized society.

Once President of India had also suggested that rape convicts under the POCSO Act should not have the right to file a mercy petition. In fact, the President called for an amendment to the Constitution with regards to mercy petitions. I recommended that there should be an amendment to the Constitution with regards to mercy petition. In my opinion, people convicted under the POCSO Act should not be allowed to come under the ambit of mercy petition. There should be no mercy for rapists. These kind of incidents shocked the whole nation.

The truth of the matter is that law is made for man. Justice is much more than mere codes and precedents. There are occasions when justice and humanity demand that mercy be shown in the matter of sentence. For that purpose article 72 is included in the Constitution. But a convicted person found guilty of an offence under POCSO Act shall in no case deserve a special relief under the Constitution. Justice and humanity demand that mercy be felt to the victim also. It will be the only humanitarian move.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
11 March, 2022

HIBI EDEN.

## BILL No. 122 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title.	<b>1.</b> This Act may be called the Constitution (Amendment) Act, 2022.
Amendment of article 81.	<b>2.</b> In article 81 of the Constitution for the words, "subject to the provision of article 331", the words, "subject to the provisions of article 331 and 330A", shall be substituted.
Insertion of new article 330A.	<b>3.</b> After article 330 of the Constitution, the following article shall be inserted, namely:—
Representation of the LGBT community in the House of the People.	"330A. Notwithstanding anything in article 81, the President may, if he is of opinion that the LGBT community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People."

**4.** In article 170 of the Constitution, for the words, "subject to the provisions of article 333", the words, "subject to the provisions of article 333 and 333A", shall be substituted.

Amendment  
of article 170.

**5.** After article 333 of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new article  
333A.

"333A. Notwithstanding anything in article 170, the Governor of a State may, if he is of opinion that the LGBT community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate one member of that community to the Assembly."

Representation  
of the LGBT  
community in  
the Legislative  
Assemblies of  
the States.

**6.** In article 366 of the Constitution, after clause (15), the following clause shall be inserted, namely:—

Amendment  
of article 366.

"(15A) 'LGBT community' means a group of person belonging to lesbian, gay, bisexual, transgender."

## STATEMENT OF OBJECTS AND REASONS

The representation of lesbian, gay, bisexual, and transgender (LGBT) people in Lok Sabha, and Legislative Assemblies is yet to be made. There is an established literature arguing that the representation of minorities in legislative forums improves the realization of their policy preferences and the position of the group within the country as a whole. However, LGBT communities has been left behind in such representation.

If the inclusion of LGBT persons in legislature happens it will be an indicator of the strength of democracy. Without some visible inclusion of the faces and voices of the historically marginalized sections, it is unlikely that the interests of such groups will be at the forefront of decision makers' minds.

The path for right to representation for LGBT group needs a combination of courage and political wisdom. There is clear evidence to suggest that the inclusion of marginalized groups is correlated with policy benefits for that group. The presence of LGBT persons in legislative forums aids in breaking down intolerance and in building alliances that cut across pre-existing cleavages within society.

Hence, this Bill.

NEW DELHI;  
11 March, 2022

HIBI EDEN.

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FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new article 331A to the Constitution with a view to provide representation of LGBT community in the House of the People.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that about rupees five crore will be incurred per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.



## BILL NO. 179 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 324 of the Constitution,—

Amendment  
of article 324.

(a) for clause (2), the following clauses shall be substituted, namely:—

"(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the President, may, in consultation with the Committee of Appointments, from time to time, fix.

(2A) The appointment of Chief Election Commissioner, Election Commissioners and Regional Commissioners shall, subject to the provisions of any law made in that behalf by Parliament, be made by the President on the recommendations of a Committee consisting of,—

(i) the Prime Minister

— Chairperson;

(ii) the Union Home Minister

— Member;

- (iii) the Leader of the Opposition in the Council of States — Member;
- (iv) the Leader of the Opposition in the House of the People — Member;
- (v) the Chief Justice of Supreme Court — Member;
- (vi) two senior most puisne judges of Supreme Court of India to be nominated by the Chief Justice of India — Member;

*Explanation.*—For the purposes of this clause, "the Leader of the Opposition in the House of the People" or "the Leader of the Opposition in the Council of States" shall, when no such leader has been so recognized, include the Leader of the single largest group in Opposition of the Government in the House of the People or the Council of States, as the case may be.

(2B) Notwithstanding any law made in that behalf by the Parliament, the term of office of the Chief Election Commissioner and Election Commissioners under clause (2) and Regional Commissioners under clause (4) shall be six years and three years from the date of assuming office, respectively:

Provided that after their retirement the Chief Election Commissioner, Election Commissioners or the Regional Commissioners shall not be eligible for appointment to any office under the Government of India, State Governments or under the Constitution;"

(b) in clause (4), for the words, "after consultation with Election Commission", the words "on the recommendation of the Committee " shall be substituted; and

(c) for clause (5), the following clause shall be substituted, namely:—

"(5) Subject to the provisions of any law made by Parliament, the conditions of service of the Election Commissioners and the Regional Commissioners shall be such as the President may by rule determine:

Provided that the Chief Election Commissioner, Election Commissioners and Regional Commissioners shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner, Election Commissioners and Regional Commissioners shall not be varied to their disadvantage after their appointment."

Insertion of  
new article  
328A.

3. After article 328 of the Constitution, the following article shall be inserted, namely:—

Election  
Commission  
to regulate,  
monitor and  
superintend  
the election of  
registered  
political  
parties.

"328A. (1) The regulation, monitoring and superintendence of internal functioning including but not limited to internal election of all registered political parties under the Representation of the People Act, 1951 shall be vested in the Election Commission.

43 of 1951.

(2) The Election Commission shall regulate, monitor and superintend the internal election of registered political parties under clause (1) in accordance with their respective constitutions until a Model Internal Code is prescribed by the Election Commission:

Provided that it shall incumbent on all registered political parties to incorporate Model Election Code into their respective constitutions after formulation by the Election Commission.

(3) If any registered political party fails to comply with the advisories, duration and instructions issued by the Election Commission with regard to their internal functions, the recognition of such political party as a State or National may be withdrawn including any other action as the Election Commission deems fit under section 16A of the Election Symbols (Reservation and Allotment Order), 1968, as the case may be."

## STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution of India made a giant leap of faith when they incorporated universal adult suffrage into the design of India's founding document and enshrined it in article 326 of the Constitution.

In 1947 India's literacy rate was only twelve per cent. in other words eighty-eight per cent. of India was illiterate. What this decision meant was that all Indian citizen's irrespective of caste, colour, creed, sex, place of birth or any other disability including illiteracy would henceforth be qualified to participate in the great Indian democratic experiment that was set to unfold in 1952.

With every election since 1952 our democracy has deepened and got more broad based. In 1988 the voting age was lowered to eighteen years. By the 73rd and 74th amendment to the Indian Constitution, Parliament institutionalized democracy at the third tier or at the grass root level.

However there remains a very serious infirmity in the functioning of India's democratic model and that is the functioning of political parties that underpin our democratic edifice. The internal functioning and structures of an overwhelming number of these political parties are very opaque and ossified. There is a need to make their functioning transparent, accountable and rule based. At the last count there are 2858 political parties registered with the Election Commission of India. Out of these 8 are national parties, 54 are State parties and 2797 are unrecognised parties. On the 13th of August, 1996 the Election Commission had issued a circular to all political parties registered with it whether national, State or unrecognised that they must hold regular elections in accordance with their respective constitution. Under Section 29-A of the Representation of People's Act 1951 the Commission has the powers to register a political party but not deregister it.

While the Election Commission of India has superintendence, direction and control of elections under Part XV of the Constitution of India it has repeatedly argued before various Courts of Law that this does not extend to the supervision or superintendence of internal elections and functioning of political parties. This bill seeks to provide the Election Commission of India with the necessary wherewithal to regulate, monitor and superintend the internal functioning of all political parties registered with and withdraw recognition as national or State parties and to take such appropriate action under section 16-A of the Election Symbols (Reservation and allotment order) 1968 if they fail to comply with the directions of the Commission with regard to their internal functioning.

There is growing concern with regard to the independence and autonomy of the Election Commission. To maintain the impartiality and integrity of the Commission, it has become imperative that the Chief Election Commission and such other Election Commissioners as are deemed necessary be appointed by a Panel consisting of the Prime Minister of India, Union Home Minister, Leader of Opposition or Floor Leader in Lok Sabha, Leader of Opposition or Floor Leader in Rajya Sabha and Chief Justice of India and two senior most puisne judges of the Supreme Court of India.

It is also pertinent that the Chief Election Commissioner, Election Commissioners shall be given a fixed term of six years and the Regional Commissioners fixed term of three years from the dates of their respective appointments. They should not be removed from office except in accordance with the procedure laid down for the removal of a Supreme Court Judge. Also, after retirement they should not be eligible for any reappointment to any office under the Government of India, State Governments and the Constitution.

This is the second wave of Democratic Reforms that India requires.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

NEW DELHI;  
4 July, 2022

MANISH TEWARI.

**BILL NO. 160 OF 2022**

*A Bill to establish an appropriate policy framework for the protection and rehabilitation of internally displaced climate migrants and for all matters connected therewith and incidental thereto.*

WHEREAS the Constitution requires all persons to be treated in a fair and just manner consistent with the guarantees of equality, fairness and due process of law;

AND WHEREAS, climate change has been argued to be a critical factor accelerating all other drivers of forced displacement;

AND WHEREAS there is a need to assess and acknowledge the role of climate change in internal migration;

AND WHEREAS there is a need to ensure welfare of persons displaced in the context of disasters and climate change;

AND WHEREAS the Union of India is signatory to the UN Guiding Principles on Internal Migration (1998) which lists principles related to protection from displacement and during displacement, humanitarian assistance, return, resettlement and reintegration;

AND WHEREAS there is a need to consolidate, streamline and harmonize the varied practices, policies and standards applicable to climate migrants in India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Climate Migrants (Protection and Rehabilitation) Act, 2022. Short title,  
extent and  
commencement.

(2) This extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires:— Definitions.

(a) "Authority" refers to the National Climate Migration Authority established under clause 4;

(b) "climate induced factors" refers to climate extremes, natural disasters and extensive risks associated with climate change including extreme and erratic fluctuations of the natural flow in downstream of rivers;

(c) "climate migrants" means a person, group of persons, households or entire community who have been permanently or temporarily,—

(i) forcibly displaced due to climate induced factor; or

(ii) evacuated by government on account of untenable and risk prone habitats; or

(iii) who migrate voluntarily due to worsened living conditions and livelihood opportunities on account of climate events, slow onset or quick onset, from their area of habitual residence as a result of disasters or stress caused by climate induced factors or slow-onset climatic processes;

(d) "climate migration" includes processes of displacement, migration and planned relocation;

(e) "Fund" refers to the Climate Migration Fund set up for the climate migrants under section 6;

(f) "slow onset climate change events" includes but not limited to increased aridity and recurrent droughts of varying degrees, desertification, sea-level rise, glacial melt, coastal and riverine erosion, extreme and erratic fluctuations in rainfall patterns and waterflows;

(g) "migration" refers to internal migration wherein persons move under the responsibility of their own state, without crossing borders and are not seeking protection from a third country or at the international level;

(h) "natural disasters" refers to flood, drought, cyclone, landslide, avalanche, erosion (coastal and riverine), earthquakes; and

(i) "prescribed" means prescribed by rules made under this Act.

**3.** The Central Government shall, as soon as may be but within one year of the commencement of this Act and in consultation with the Governments of the States, formulate, a National Policy for addressing climate-induced migration for the welfare of the climate migrants in terms of protection, relief and rehabilitation, uniformly throughout the country. National  
policy for  
Climate  
Migration.

**4.** (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an authority to be called the National Climate Migration Authority for carrying out the purposes of this Act. Establishment  
of the  
National  
Climate  
Migration  
Authority.

(2) The Authority shall be inter-ministerial agency consisting of representatives of members concerning various departments of the Central Government including but not limited to Ministry of Forest, Environment and Climate Change, Ministry of Home Affairs,

Ministry of Labour and Employment, Ministry of Rural Development, Ministry of Women and Child Development, Ministry of Agriculture, Ministry of Law and Justice, Ministry of Jal Shakti and Ministry of Housing and Urban Affairs to be appointed by the Central Government in such manner as may be prescribed.

(3) The State Governments shall establish inter-departmental Climate Migration Authorities at the state level across India to provide for the seamless protection and rehabilitation of climate migrants.

(4) The State Governments shall establish sub-district level Migration Facilitation Centres to identify, document and monitor all in-bound and out-bound climate migration to and from the respective areas.

(5) Each State Authority will be tasked to prepare action plans, lay down guidelines for lower authorities and other government departments, coordinate the enforcement and implementation of the plans, recommend provision of funds for its activities, including prevention, mitigation and rehabilitation of climate migrants as may be prescribed.

Functions of  
the Authority.

5. (1) It shall be the duty of the Authority to promote and undertake by such measures as it thinks fit or deem necessary, prevention, preparedness, adaptation and mitigation measures with regard to climate migration.

(2) Without prejudice to the generality of the provisions of sub-section (1) the measures referred to therein may provide for,—

(A) monitoring and assessing risk of climate migration including:—

(a) continued monitoring and assessment of risk at the community and agency level to inform preventive and containment steps and mitigate harm to the habitat and communities including conducting community risk assessments periodically in climate migration hotspots in order to analyse and evaluate risk, vulnerability and priorities of the community concerned, advance planning and mitigation;

(b) incorporating and strengthening existing systems including strengthening forecasting mechanisms by investing in technology and research to simulate the effects of different climate events on different areas and communities and identify climate migration hotspots.

(c) National Disaster Management Authority and other government agencies to monitor slow onset events including but not limited to rising temperatures, desertification, depletion of groundwater table, loss of bio-diversity, land and forest degradation, glacial retreat, sea-level rise and coastal erosion, ocean acidification, salinization of land and groundwater, and changes in river flow patterns;

(d) incorporating advance early warning systems, standard operating procedures and operational frameworks prepared by the Disaster Management Authorities for holistic approach to dealing with displacement due to sudden events including but not limited to cyclones, landslides, floods, earthquakes, volcanic eruptions and forest fires.

(B) prevention and mitigation of climate migration including—

(a) using MGNREGS and other public works programs to strengthen infrastructure development in the said hotspots in order to prevent or reduce the speed of onset of climate change events;

(b) incorporating adaptive measures related to agriculture, land and water use techniques and livelihood diversification options among residents of said hotspots in order to prevent or reduce the speed of onset of climate change events;

(c) promoting shift to organic agriculture, water absorption measures and shift to less water intensive crops and rain water harvesting;

(d) risk reduction in the form of state sponsored crop and cattle insurance and other similar social protection schemes to be made available to those living in the said hotspots;

(e) investment in sustainable infrastructure and preparation of inclusive policies towards making cities more resilient to climate change in order to sustain the large influx of migrant population.

(f) investment in temporary shelters through MGNREGS, other public works programmes and other funds as allocated in order to provide safe, accessible and sustainable shelter to climate migrants in case of sudden events.

(g) preparation of contingency plans for communities residing in areas which cannot be adapted to in the foreseeable future due to existing changes in climate such as riverine areas, low lying coastal areas and others, to be built only after rigorous consultation and complete involvement of the to-be displaced community.

(h) ensuring that resettlement areas for climate migrants are not in migration hotspots and that resettlement plans should not disrupt the ecological balance and social harmony of the pre-existing host community.

(C) relief and compensation for climate migrants including—

(a) providing climate migrants with temporary shelter arrangements maintaining basic living standards, security and sanitary provisions including potable water, and sufficient and hygienic toilet facilities;

(b) providing climate migrants in temporary shelters with sufficient nutrition including cooked food, dry ration and cooking fuels as per the capacity and infrastructure of the said shelters;

(c) equipping temporary shelters with primary healthcare facilities and supply of essential medicines, to be accessed by all residents of the temporary shelter without any discrimination and absolutely free of any charges, and facilitating transfer of individuals requiring additional medical facilities to the nearest public hospital capable of providing required care at the earliest;

(d) ensuring temporary shelters basic safety, security and privacy provisions for women and children, including but not limited to presence and accessibility of female response personnel at all times, sufficient communication infrastructure, and frameworks to address complaints related to gender based violence in said shelters as per existing laws;

(e) arranging mental health support at said temporary shelter including but not limited to psychological counselling and access to trained medical professional and social worker, on account of psychological stress that is likely in the aftermath of a climatic event;

(f) effective monitoring and vigilance in coordination with district authorities, labour departments and local police to prevent cases of debt bondage, forced labour and child labour among displaced migrants;

(g) providing temporary certificates to climate migrants for identification and continued registration with the existing social protection delivery systems;

(h) providing adequate loss and damage in lieu of damages caused and losses incurred due to the onset of the climatic event including but limited to direct cash transfers, land grants and housing support;

(D) resettlement, rehabilitation and re-integration of climate migrants including—

(a) registration of climate migrants with special focus on those who have lost valid government issued identification certificates in order to ensure seamless delivery of social protection schemes and until such process is complete, temporary certificates to be provided during relief operations to act as sufficient document for accessing welfare schemes including but not limited to Mahatma Gandhi National Rural Employment Guarantee Scheme, Public Distribution System, childcare, pension, cash transfers and other social protection schemes.

(b) facilitating return of climate migrants to the affected area if it is found to be fit and sustainable for their long-term habitation, the assessment of which area to be done in consultation with and active participation of the community.

(c) working out of resettlement plan in case the area is be unfit for sustainable settlement as part of the aforementioned process, the said plan shall be made only after rigorous consultation and complete involvement of the displaced community and should not disrupt the ecological balance and social harmony of the pre-existing host community.

(d) providing alternative to climate migrants who depended on land, forest, water commons or other natural commons including but not limited to pastoralists, peasants, fishing community and tribal communities through means including but not limited to land grants, aid in the form of livestock, access to waterbodies, forests and other natural commons.

(e) extending re-skilling opportunities and livelihood diversification support to all climate migrants as well as proactive linkage of said migrants with existing government policies for livelihood diversification, skill development and employment;

(f) providing for climate migrants to avail employment guarantee under Mahatma Gandhi National Rural Employment Guarantee Act as a means for income generation as well as an effective investment in the re-development of affected areas or new development in resettlement areas;

(g) facilitating enrolment of climate migrants of school going age in available public schools in resettlement areas at any time of the year, including access to remedial classes to address any learning gap that may emerge due to the migration process;

(h) facilitating rehabilitation of children who lose their parents due to climate disasters and/or in the climate migration process, as per existing laws and policies; and

(i) coordination with local authorities to facilitate registration of resettled climate migrants to the area's electoral rolls in order to guarantee their civil and political rights.

Climate  
Migration  
Fund.

**6.** The Central Government shall as soon as may be, by notification in the Official Gazette, establish a fund to be known as the Climate Migration Fund for the purposes of this Act with initial corpus of rupees one thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf and thereafter the Central Government, State Governments and employers shall contribute to the Fund to such extent and in such manner as may be prescribed.

Savings.

**7.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to  
remove  
Difficulties.

**8.** If any difficulty arises in giving effect to the provision of this Act, the Central Government may by a notified order, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be issued after the expiry of three years from the date of commencement of this Act.

Power to make  
rules.

**9. (1)** The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

As per the Internal Displacement Monitoring Centre, 38.5 lakh people were internally displaced in India due to disasters, as a result of a combination of increasing hazard intensity, high population exposure and high levels of social and economic vulnerability. The 2020 report of Action Aid and Climate Action Network stated that India had a total of 1.4 crore persons internally displaced due to climatic and environmental disruptions and projects that more than 4.5 crore people will be forced to migrate from their homes by 2050.

Current national legislations and policies primarily address the short-term and sudden onset climatic disasters. However, slow-onset climate change events such as increased aridity and recurrent droughts of varying degrees, desertification, sea-level rise, glacial melt, riverine erosion and losses caused by the same, are largely not incorporated and therefore communities suffering the impact, are not within the ambit of protection and rehabilitation. Much of the focus is on relief at the disaster site and addressing immediate issues of communities affected; their rehabilitation or support at destinations are concerns that remain unaddressed. As a result, economic and social precarities of such communities amplify several fold.

With rising climatic and ecological stress on habitats, and a projected increase of climate induced migration in the next decades, the need is to develop a comprehensive nationally integrated approach to develop with a view to address the causes, remedy effects and protect communities impacted.

Hence, this Bill.

NEW DELHI;  
7 July, 2022

PRADYUT BORDOLOI.

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Climate Migration Authority. Clause 6 of the Bill provides for the Climate Migration Fund. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. Apart from one thousand crore rupees of initial corpus of the welfare fund, it is estimated that a sum of rupees three thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees one hundred crore may also be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 126 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by the Parliament in the Seventy-third year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2022.

Short title.

2. In the Tenth Schedule to the Constitution,—

Amendment of  
the Tenth  
Schedule.

(a) In paragraph 2, in sub-paragraph (1) for the words "shall be disqualified for being a member", the words "shall cease to be a member" shall be substituted; and

(b) in paragraph 4, in sub-paragraph (2) for the words "not less than two-thirds", the words "not less than ninety per cent." shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution popularly known as Anti-Defection Law was added to the Constitution by the Constitution (Fifty-second Amendment) Act, 1985.

The 52nd Amendment to the Constitution was introduced to herald an era of healthy parliamentary democracy and sought to put an end to the scourge of political defections that were plaguing our body politic. It was indeed successful in creating a punitive atmosphere with respect to defections. In many ways, this has led to reduction in defections.

However, we see that many provisions of this schedule is being misused by certain political actors to subvert the political process and undermine the constitution of our country. If we look at recent history, we will see legislators switched sides in hordes and this have led to the fall of many elected legitimate Governments in the country. Through this Bill, I seek to further strengthen the safeguards against mass defections. Most of these defection happened by misusing the provision for party mergers. Ostensibly, legislators are chosen in such a way to meet this "two-thirds" criteria. It is imperative that we make this number as high as possible as to prevent its misuse.

Hence, this Bill.

NEW DELHI;  
4 July, 2022

DEAN KURIAKOSE.

## BILL NO. 138 OF 2022

*A Bill further to amend the Representation of the People Act, 1950.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Representation of the People (Amendment) Act, 2022. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1950.

**2.** In section 20 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act),— Amendment of section 20.

(a) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A). Any citizens of India residing outside India whose name is registered in the electoral roll under section 20A shall be deemed to be ordinarily resident on any date in the constituency in which, but for his extended residence outside India, he would have been ordinarily resident on that date"; and

(b) in sub-section (6), for the words and figures "sub-section (4)" the words and figures "sub-section (4) or sub-section (4A)" shall be substituted.

**3.** In section 20A of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely— Amendment of section 20A.

"(3) Every person registered under this section shall, if otherwise eligible to exercise his franchise, be allowed to vote at an election,—

(a) in the constituency if he is residing in India; or

(b) at the nearest Indian Embassy if he is residing outside India."

## STATEMENT OF OBJECTS AND REASONS

The Representation of the People Act, 1950 lays down the architecture of electoral democracy in India. It has been instituted to ensure the universal adult suffrage guaranteed under article 326 of the Constitution. The idea of universal adult suffrage has been around for close to two centuries, with it finding different expressions across different countries in the globe. In India, ever since the Poorna Swaraj declaration of 1929, the Indian Freedom Struggle had a stated aim of implementing universal adult suffrage in India.

The Representation of the People Act, 1950 and the Representation of the People Act, 1951 were enacted by the Constituent Assembly to ensure this. However, despite a sound legal framework, a lot of people are unable to exercise their suffrage every elections. One large segment in this is the Non-resident Indians, who are forced to travel back to India to cast votes. For a large majority who are economic migrants, getting long leaves to travel back to India or arranging the finances for travel is a difficult task. It is imperative that we allow them to cast votes. The Government should be given a legal mandate to ensure that this is done.

NEW DELHI;  
4 July, 2022

DEAN KURIAKOSE.

## BILL NO. 145 OF 2022

*A Bill to provide for the constitution of a Board for the identification of loans to be waived as a one-time measure in national interest within the country and matters connected therewith.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. (1) This Act may be called the Debt Relief Board Act, 2022.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "Board" means the Debt Relief Board constituted under sub-section (1) of section 3;

(c) "loans to be waived" means loans identified by the Board that are to be waived in the national interest;

(d) "loans with merit" means loans that, if waived, may further the national interest and as specified in the Schedule:

Provided that the Central Government may, if satisfied that it is necessary or expedient in the public interest so to do, by notification in the Official Gazette, add any other type of loan to the Schedule or omit any type of loan therefrom;

(e) "prescribed" means prescribed by rules made under this Act.

## CHAPTER II

### THE DEBT BOARD

Constitution  
and  
Incorporation  
of the Board.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board, to be called the Debt Relief Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and be sued.

(3) The Board shall consist of such number of members, not exceeding seventeen, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:—

(a) a Chairperson to be appointed by the Central Government in such manner as may be prescribed;

(b) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(c) ten members to represent respectively the Ministries of the Central Government dealing with—

(i) Finance;

(ii) Agriculture and Farmer's welfare;

(iii) Animal Husbandry, Dairying and Fisheries;

(iv) Commerce and Industry;

(v) Co-operation;

(vi) Education;

(vii) Food Processing and Industries;

(viii) Micro, Small and Medium Enterprises;

(ix) Corporate Affairs;

(x) Finance; and

(d) three members to represent the Finance Commission, to be nominated by the Chairperson in such manner as may be prescribed.



(4) The office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

(5) The term of office of the members and other conditions of service of the members shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

(7) The Board shall elect from among its members a Vice-Chairperson who shall exercise such of the powers and perform such of the functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson.

(8) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

**4.** (1) The Board may appoint the Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Secretary and other Officers.

(2) The terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

**5.** (1) Subject to any rules made in this behalf, the Board may, from time to time, constitute such Committees as may be necessary for the efficient discharge of its functions.

Advisory Committees.

(2) Every committee constituted under sub-section (1) shall consist of such number of persons as the Board may deem fit.

**6.** (1) The Board may—

Function of the Board.

(i) identify loans to be waived off by the appropriate Government to further the national interest:

Provided that waiving off of loans shall be a one-time measure to give relief from the vicious cycle of debt trap;

(ii) consolidate the list of such loans and forward that list to appropriate Government to consider waiving that loan;

(iii) create a set of scientific benchmarks against which the application to waive a loan shall be measured against;

(iv) undertake programs and projects for promotion of financial literacy in the country;

(v) assist and encourage studies and research for improvement of financial inclusion and responsible credit culture in the country;

(vi) strive towards creating metrics to measure the performance of financial institutions in ameliorating suffering due to inability to pay back debts;

(vii) collect statistics with regard to debt relief and its social impact in the country;

(viii) promote co-operative efforts among financial institutions to waive off loans with merit in collaboration with local self-governments;

(ix) provide financial or other assistance for improved methods for identifying loans with merit in different parts of the country with special focus to rural areas, remote and inaccessible regions;

(x) provide training in loan identification, restructuring as well as recommendation to waive loans with merit;

(xi) collect statistics from institutions, local self-government and general public to assist policy making in the domain of loan waivers; and

(xii) undertake, assist or encourage scientific, technological and economic research.

### CHAPTER III

#### FINANCE, ACCOUNTS AND AUDIT

Grants and loans by the Central Government.

**7.** The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary.

Debt Relief Funds.

**8.** (1) There shall be constituted a fund to be called the Debt Relief Fund and there shall be credited thereto—

(a) any grants and loans made to the Board by the Central Government under section 7;

(b) all fees levied and collected in respect of certificates granted under this Act; and

(c) all sums received by the Board from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) expenses of the Board in the discharge of its functions under section 6; and

(c) expenses on objects and for purposes authorized by this Act.

Budget.

**9.** The Board shall prepare in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Annual report.

**10.** The Board shall prepare, in such form and at such time each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

Accounts and audit.

**11.** The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

**12.** The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

Annual report and auditors report to be laid before Parliament.

#### CHAPTER IV

##### MISCELLANEOUS

**13.** Any person who—

(a) obstructs any member authorized by the Chairperson in writing or any officer or other employee of the Board authorized by it in this behalf or any person authorized in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.

**14.** The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

Delegation.

**15.** All members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Members, officers and employees of the Board to be public servants.

**16.** No prosecution or other legal proceeding shall lie against the Government, or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorized by the Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of action taken in goods faith.

**17.** Subject to any rule made in this behalf, any person, generally or specially authorized by the Board in this behalf, may, whenever it is necessary so to do, for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and make any inspection or inquiry or do such other act or thing as may be prescribed:

Power to enter.

Provided that no such person shall enter any building or any enclosed courtyard or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

**18. (1)** The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the number of members of the Board under sub-section (3) of section 3;

(b) the term of office and other conditions of service of the members of the Board under sub-section (5) of section 3;

(c) the powers and duties of the Chairperson under sub-section (6) of section 3;

(d) the powers and functions of the Vice-Chairperson under sub-section (7) of section 3;

(e) the constitution of committees under section 5;

(f) the form in which, and the time at which, the Board shall prepare its budget under section 9 and its annual report under section 10;

(g) the manner in which the accounts of the Board shall be maintained and audited and the date before which the audited copy of the accounts may be furnished to the Central Government under section 11;

(h) the conditions and the restrictions with respect to the exercise of the power to enter under section 17;

(i) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

Power to make regulations.

**19. (1)** The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for the terms and conditions of service of the Secretary and other officers and employees of the Board under sub-section (2) of section 4.

Rules and Regulations to be laid before Parliament.

**20.** Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to remove difficulties.

**21. (1)** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

## THE SCHEDULE

[See section 2(c)]

Loans with Merit includes:—

1. "Agricultural loans": taken to conduct agricultural activities.
2. "MSME loans": taken to start or find working capital for MSME industries.
3. "Education loans": taken by students to pursue any academic course offered by any university within India.
4. "Treatment loans": taken by individuals to meet their requirements with respect to a medical emergency.
5. "Co-operative sector loans": taken by individuals from banks and NBFCs from the co-operative sector.

## STATEMENT OF OBJECTS AND REASONS

India has made great progress with respect to financial inclusion and availability of institutional credit in the last few decades. However, we have also failed to deepen the credit culture in the country. According to NABARD, 52 per cent. of agricultural households in India (which constitute more than 70 per cent. of our population), are indebted. More than 40 per cent. of the outstanding loans are taken from non-institutional sources. This is worrisome, especially since the banking services have reached far and wide in the country. One reason for such large amount of non-institutional credit is the loans outstanding with institutional lenders. In many cases, the farmers are unable to pay the loan back and is alienated from the financial institutions forever. This is true not only for farmers, but also for educational loans, MSME loans etc. It is important that we identify loans that could be waived off in a single stroke so that these beneficiaries come back to the formal credit net. It is understood that continuous loan waivers are impacting the health of our financial institutions. If those loans could be identified in a single stroke and waived off, this need for continuous and populist loan waivers could be eliminated. The need is to establish Debt Relief Board to look into this and recommend the loans to be waived off to the respective State as well as Central Governments.

Hence, this Bill.

NEW DELHI;

DEAN KURIAKOSE.

4 July, 2022

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#### FINANCIAL MEMORANDUM

Clause 3 of this Bill provides for establishment of the Debt Relief Board. It also provides for appointment of Chairperson and other members to the Board. Clause 4 provides for appointment of Secretary and other officers to the Board. Clause 5 provides for constitution of Advisory Committees. Clause 7 provides for the Central Government to provide grants and loans. Clause 8 provides for the constitution of Debt Relief Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about one hundred crore per annum from the Consolidated Fund of India will be involved.

A non-recurring expenditure of about rupees twenty five thousand crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Clause 19 provides for the Board to make regulations. As the rules and regulations will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 180 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.
- (2) It shall come into force with immediate effect.

Insertion of  
new article  
338C.

2. After article 338B of the Constitution, the following article shall be inserted, namely:—

National  
Commission  
for Weavers.

"338C. (1) There shall be a Commission for the weavers to be known as the National Commission for Weavers.



(2) Subject to the provisions of any law made in this behalf by Parliament. The Commission shall consist of a Chairperson, Vice-Chairperson and one Member from each State and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine:

Provided that the member from each State shall be a weaver.

(3) The Central Government shall, in consultation with the Chairperson, determine the nature and categories of the officers and other employees required to assist the Commission in the discharge of its functions.

(4) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal:

Provided that appointment of the other Members of the Commission shall be made on the recommendation of the Governor of the respective States.

(5) The Commission shall have the power to regulate its own procedure.

(6) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the weavers under this Constitution or under any other law for the time being in force or under any order of the Government or any scheme implemented by the Government and to evaluate the working of such safeguards and schemes;

(b) to inquire into specific complaints with respect to the deprivation of the rights and benefits of the schemes of the Government;

(c) to participate and advise on the socio-economic development of the weavers and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards and schemes;

(e) to make in such reports the recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the weavers; and

(f) to discharge such other functions in relation to the protection, welfare, development and advancement of the weavers as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(7) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non acceptance, if any, of any such recommendations.

(8) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendations.

(9) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (6) have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;  
and

(f) any other matter which the President may, by rule, determine.

(10) The Union and every State Government shall consult the Commission on all major policy matters affecting weavers.

## STATEMENT OF OBJECTS AND REASONS

The Indian handloom industry is amongst the oldest and largest cottage industries in the country reflecting India's rich culture and tradition. The sector is one of the largest unorganised sectors, only after agriculture, in the country providing direct and indirect employment to over 4.3 million people. As per the Fourth All India Handloom Census, there are around 35,22,512 handloom workers over the country are engaged in weaving and allied activities, out of which the majority are in rural areas. India is one of the largest exporters of handloom products which were valued at US\$343.69 million in 2019-20.

However, numerous factors have affected the livelihood of weavers in the country. Some of these issues are increased competition from power loom sector, infrastructural constraints, rising input costs and lack of support for technological upgrade and skill development. The Central Government and various State Governments have made efforts to support weavers and handloom sector through its policies, schemes and programmes. Despite such efforts, such issues still persist. It is thus, felt that there is lack of a national commission to take cognisance of these long-existing issues and problems plaguing the handloom sector and to bring out uniform and sustained policy changes in the sector.

With this background, it, therefore, has become imperative to have a permanent commission for weavers on similar lines as that of the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes. This Commission shall have the work of monitoring the existing safeguards, make recommendations as to the measures that should be taken by the Union or any State for their implementation, inquire into specific complaints of the weavers amongst others.

Hence, this Bill.

NEW DELHI;  
4 July, 2022

SANJEEV KUMAR SINGARI.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of National Commission for Weavers with a Chairperson, Vice-Chairperson and other members. It also provides for officers and other employees for the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees thirty crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

## BILL NO. 150 OF 2022

*A Bill further to amend the National Commission for Indian System of Medicine Act, 2020.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the National Commission for Indian System of Medicine (Amendment) Act, 2022. Short title and commencement.

(2) It shall come into force with immediate effect.

**2.** In Section 2 of the National Commission for Indian System of Medicine Act, 2020 (hereinafter referred to as the principal Act), after clause (1), the following clause shall be inserted, namely: Amendment of section 2.

"(1a) "mixopathy" means to integrate or attempt to integrate or any such other related activity to integrate, the different kinds of alternative medical systems including, but, not limited to Ayurveda, Homoeopathy and Unani with modern medical sciences.

Amendment of section 10.      **3.** In Section 10 of the principal Act, in sub-section (1), after clause (i), the following clause shall be inserted, namely:—

"(ia) prohibit the practice of mixopathy by the medical practitioners."

Amendment of section 26.      **4.** In section 26 of the principal Act, in sub-section (1), after clause (i), the following clause shall be inserted, namely:—

"(j) prohibit the practise of mixopathy by the medical practitioners."

Amendment of section 55.      **5.** In section 55 of the principal Act, in sub-section (2), after clause (zq), the following proviso shall be inserted, namely:—

"Provided that, notwithstanding anything contained in this Act, the Commission shall not make any regulations which allows or promotes the practice of mixopathy by the medical practitioners."

## STATEMENT OF OBJECTS AND REASONS

Several recent developments show that there is an increasing effort to integrate various medicine systems in the country. The Central Council of Indian Medicine, through a notification, amended the Indian Medicine Central Council (Post Graduate Ayurveda Education) Regulation, 2016. The amendments allowed MS (Ayurveda) Shalya Tantra and MS (Ayurveda) Shalakya Tantra to perform surgery independently. The notification provides a list of thirty-nine such procedures of surgery. Further, NITI Aayog has also formed four committees to integrate all systems of medicine. These committees are in medical education, clinical practice, public health, medical research and administration.

Such a policy shift is an attempt to mix the knowledge, procedures and techniques of modern Medical Sciences with traditional Ayurveda and other alternative systems. This integration of alternative medical systems such as Ayurveda and Homoeopathy with modern medical sciences has been termed as Mixopathy.

This retrograde step of unscientific mixing of systems of medicine will only produce hybrid doctors, not specialised in any medical system. With the amendments, all traditional systems and the modern system will lose their identity and further development. The present system offers the patient a choice to choose either modern medicine or any other alternative system of medicine. However, the new policy of integrative medicine would effectively nullify this choice as well. The Government should rather provide support to alternative medical systems to develop their own surgical procedures as per their ancient texts and relevant sources.

Thus, there arises a need to amend the National Commission for Indian System of Medicine Act, 2020 to prohibit the practice of mixopathy and the integration of different systems of medicine.

Hence, this Bill.

NEW DELHI;  
7 July, 2022

SANJEEV KUMAR SINGARI.

## BILL NO. 171 OF 2022

*A Bill to lay down judicial standards and provide for accountability of Judges and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Judicial Standards and Accountability Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "assets" includes immovable and movable property;

*Explanation.*—For the purposes of this clause,—

(i) "immovable property" includes the land and any building or other structure attached to the land or permanently fastened to anything which is attached to the land, and tenancies, lease holds or any other interest in immovable property; and



(ii) "movable property" includes any other property which is not immovable property as also corporeal and incorporeal property of every description and household goods and personal effects of the value of each item of more than fifty thousand rupees;

(b) "competent authority" means in relation to,—

(i) a Judge of the High Court, the Chief Justice of that High Court;

(ii) the Chief Justice of the High Court, the Chief Justice of India;

(iii) a Judge of the Supreme Court, the Chief Justice of India;

(iv) the Chief Justice of India, the President of India;

(c) "judge" means a Judge of the Supreme Court or of a High Court and includes the Chief Justice of India and the Chief Justice of a High Court;

(d) "judicial standards" means the values of judicial life specified under section 3 and the Schedule;

(e) "liabilities" includes financial guarantees given and all loans raised from any bank, financial institution or any other source; and

(f) "prescribed" means prescribed by rules made under this Act.

**3.** (1) Every judge shall continue to practice universally accepted values of judicial life as specified in the Schedule to this Act. Judicial standards.

(2) In particular, and without prejudice to the generality of the foregoing provision, a Judge shall—

(a) not contest the election to any office of a club, society or other association or hold such elective office except in a society or association connected with the law or any court;

(b) furnish the information relating to assets of which he, his spouse and his children are, jointly or severally, owners or beneficiaries; and

(c) furnish the information relating to his liabilities and that of his spouse and children.

(3) A Judge holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in clause (b) and (c) of sub-section (2) to the competent authority within thirty days of the coming into force of this Act.

(4) Every Judge shall file with the competent authority, on or before the 31st July of every year, an annual return of such assets and liabilities, as referred to in clause (b) and (c) of sub-section (2), as on the 31st March of that year.

(5) The information under clause (b) and (c) of sub-section (2) and annual return under sub-section (4) shall be furnished in such form and in such manner, as may be prescribed.

**4.** The competent authority shall exhibit in such manner as may be prescribed the document or information in relation to a declaration of assets and liabilities of Judges under clause (b) and (c) of sub-section (2) of section 3,— Competent Authority to exhibit assets and liabilities of Judges.

(a) in the case of judges and Chief Justices of the High Courts, on the website of the High Court in which such Judges and Chief Justice are serving;

(b) in the case of Judges of the Supreme Court and Chief Justice of India, on the website of the Supreme Court.

Information regarding assets and liabilities of Judges under Right to Information Act, 2005.

**5.** The Central Government shall have the right to call for and refer to any declaration of assets and liabilities made under this Act and such information shall also be made available to any citizen under the provisions of the Right to Information Act, 2005.

Power to remove difficulties.

**6.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, after consultation with the Chief Justice of India, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

Act to have overriding effect.

**7.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject.

Power to make rules.

**8. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## THE SCHEDULE

*[See section 3(1)]*

## JUDICIAL STANDARDS

1. Norms, including punctuality and commitment to work, guidelines and conventions essential for the conduct and behaviour of Judges, being pre-requisite for an independent, strong and respected judiciary, having integrity and detachment and impartial administration of justice as reflected in the Restatement of Values already adopted by the Conference of Chief Justices held in 1999 shall be practised by every Judge.

2. All times be conscious that he is under the public gaze and not do any act or omission which is unbecoming of the high office he occupies and the public esteem in which that office is held.

3. A degree of aloofness consistent with the dignity of his office shall be practised by every Judge.

4. Judgments shall speak for themselves.

5. A judge shall not intentionally give factually wrong or illegitimate reasons of distinguish a binding precedent.

6. A judge shall not decide an issue not raised by the parties expressly or by implication and impose his own views.

7. A judge shall refer to all the points raised by counsel in the arguments.

8. The judge shall correctly record on the docket what transpires in a proceeding on any given day.

9. If anyone attempts to communicate with a judge regarding the merits of any matter that is pending before him when the court is not in session, the judge shall curtail such attempt promptly.

## STATEMENT OF OBJECTS AND REASONS

The Full Court meeting of Supreme Court of India on 7 May, 1997 had adopted "the Restatement of Values of Judicial Life". The above Restatement lays down certain judicial standards which are to be followed by the Judges of the Supreme Court and the High Courts. However, after several years, these values still do not have any legal authority and are still unenforceable.

A Government Bill, namely, "The Judicial Standards and Accountability Bill, 2010" as passed by Lok Sabha, sought to lay judicial standards and provide for accountability of judges, and, establish credible and expedient mechanism for investigating into individual complaints for misbehavior or incapacity of a Judge of the Supreme Court or of a High Court. However, the Bill could not be taken up for discussion in the Rajya Sabha and thus, failed to see the light of day.

Thus, there is a need to provide legal sanction to lay down judicial standards and accountability standards for judges of the Supreme Court and the High Courts.

Hence, this Bill.

NEW DELHI;  
4 July, 2022

SANJEEV KUMAR SINGARI.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 132 OF 2022

*A Bill further to amend the Environment (Protection) Act, 1986.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Environment (Protection) Amendment Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

29 of 1986.

2. In section 2 of the Environment (Protection) Act, 1986 (hereinafter referred to as the principal Act), existing clause (a) shall be renumbered as clause (aa) and before the clause (aa) so as renumbered, the following clause shall be inserted, namely:—

Amendment of  
section 2.

"(a) "eco sensitive zone or buffer zone" means the area within the demarcated boundary of protected forest, national park or wildlife sanctuary as the case may be."

3. In section 3 of the principal Act, after sub-section (2), the following proviso shall be inserted:—

Amendment of  
section 3.

"Provided that the Central Government shall not declare any area beyond the protected area of a National Park or a wildlife sanctuary as an Eco sensitive zone or a Buffer zone."

## STATEMENT OF OBJECTS AND REASONS

The Order dated June 3, 2022 of the Hon'ble Supreme Court, declaring all places within a kilometer around protected areas around national parks wildlife, and bird sanctuaries as eco-sensitive zones, has created dismay among the people who are living adjoining to protected forest areas from time immemorial. The said Order of the Hon'ble Supreme Court will make millions of people homeless, render many hectares of land devoid of human habitation, agricultural use and development as well as affect the livelihood of the people living there.

One km. area around a protected area is likely to have low-income housing colonies, historical monuments and livelihood use areas like river floodplains, etc.

The most likely impacted arising out of the said Order of the Hon'ble Supreme Court would be the State of Kerala as its 30 per cent area is forested and close to 48 per cent of the State's geographical area formed part of the Western Ghats and it is one of the most densely populated States in the country and land for development and habitation is at a premium there. Many of the farms abutting forests had existed for atleast seven decades and the areas had been habitations for people from time immemorial. Therefore, the said order will have a bearing effect on the people especially of Kerala as abovesaid.

The Bill, therefore, seeks to amend the Environment (Protection)) Act, 1986, with a view to effect that:—

(a) no area beyond the demarcated boundary of protected forest, that is national park or wildlife sanctuary, shall be considered as Eco-Sensitive Zone or Buffer Zone; and

(b) under no circumstances, area beyond the demarcated boundary of protected forest, that is national park or wildlife sanctuary, shall be declared as Eco-Sensitive Zone or Buffer Zone,

as doing so, will make millions of people homeless, render many hectares of land devoid of human habitation, agricultural use and development.

Hence, this Bill.

NEW DELHI;  
5 July, 2022

V. K. SREEKANDAN.

## BILL NO. 140 OF 2022

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Seventy-third year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

45 of 1860.

2. Section 124A of the Indian Penal Code, 1860 (hereafter referred to as the Code) shall be omitted.

Omission of  
section 124A.

3. In section 153B of the Code, in sub-section (1), after clause (c), the following clause shall be inserted, namely,—

Amendment of  
section 153B.

" (d) brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards the State, and such acts if cause or is likely to cause serious law and order problems."

## STATEMENT OF OBJECTS AND REASONS

Section 124A is a part of the Indian Penal Code, 1860 (IPC) a colonial law. The police at the behest of their masters have been using the broad definition of sedition to book anyone who criticized the government in strong and strident language. There are about 13,000 persons languishing in jails booked under section of 124A of the IPC. Last year the Chief Justice of India himself voiced "what could be an unprecedented judicial criticism of the way the sedition law was being used by the government to crush liberties, sedition or section 124A of the Indian Penal Code was prone to misuse by the government". A panel of experts constituted by the government has recommended amendments to the sedition law. The panel was largely of the view that if sedition could be dropped and included as a subset in a wider range of crimes committed against the State; a person cannot be made to languish in jail for writing a newspaper article. It has to be seen if that article led to serious law and order problems, mere presumption is not sufficient. The Hon'ble Supreme Court very recently has suspended pending criminal trials and court proceedings under section 124A of IPC. This order of the Hon'ble Supreme Court would act as a powerful message against the rampant misuse of the sedition law by governments to silence dissent and violate personal liberty.

The Bill, therefore, seeks to omit section 124A of the Indian Penal Code, 1860 with a view to prevent the misuse of it.

Hence, this Bill.

NEW DELHI;  
5 July, 2022

V.K. SREEKANDAN.



## BILL NO. 141 OF 2022

*A Bill further to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2022. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In Schedule I of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, in para 4, in sub-para (1), after entry (viii) under the heading 'IV Category D RURAL INFRASTRUCTURE', the following entry shall be inserted, namely:— Amendment of schedule I.

"(viiiia) work relating care of the elderly persons in rural areas;"

## STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 has been helping to uplift the rural economy and the scheme is very popular in every nook and corner of the country.

The country has been witnessing an increase in the number of our senior citizens and many of them are finding and facing difficulties to pull on their remaining part of life due to many reasons. In many of the cases, it is the desertion by their daughters or sons and in many cases their daughters or sons were working abroad or staying far away from them. In many cases their daughters or sons are not able to look after them due to pathetic economic conditions. It is a regular phenomenon that we see a lot of elderly people camping in front of religious places or on the main street of towns without any help and depending upon the mercy of the people who come across them.

There are many aged people in the country who are infirm owing to illness. There is no mechanism to care for them or address their problems.

Various demands have been raised that care of the elderly people should be included in the Mahatma Gandhi National Rural Employment Guarantee Act as this problem can be addressed to an extent if elderly care were to be included in it.

The Bill, therefore, seeks to amend the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, with a view to provide elderly care in the rural areas.

Hence, this Bill.

NEW DELHI;  
5 July, 2022

V. K. SREEKANDAN.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for covering work relating to care of elderly persons in rural areas under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that recurring expenditure of about rupees one hundred crore per annum is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## BILL NO. 200 OF 2022

*A Bill to provide for housing facility to destitute senior citizens, widows and orphan children and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Housing Facility For Destitute Senior Citizens, Widows and Orphan Children Act, 2022.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "destitute senior citizen" means any person who has attained the age of sixty years and has no facility for shelter or has no relative to take care of and provide shelter to him;

(c) "Fund" means the Destitute Senior Citizens, Widows and Orphan Children Welfare Fund constituted under section 9;

(d) "orphan" means a child who is below fourteen years of age and has no parents or willing and capable legal guardian or other relatives to take care of him;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "widow" means any woman who has not remarried after the death of her husband and who does not have any facility for shelter.

National  
Policy for  
housing for  
destitute senior  
citizens,  
widows and  
orphans.

**3.** The Central Government shall, as soon as possible, by notification in the Official Gazette, frame a national policy for providing housing facilities to the destitute senior citizens, widows and orphans.

Establishment  
of residential  
centres.

**4. (1)** The appropriate Government shall establish residential centres for the destitute senior citizens, widows and orphans.

(2) Every residential centre shall have the capacity of minimum eighty and maximum two hundred persons to live in at a time.

(3) Every residential centre shall be arranged in such a way to accommodate two orphans, one senior citizen and one widow in one unit.

Residential  
centres to  
have proper  
facilities for  
the  
beneficiaries.

**5.** The appropriate Government shall—

(a) provide housing, food, water, medicine, security and the minimum resources necessary to lead a balanced and healthy life in every residential centre;

(b) ensure utilization of Government schemes running in the area for necessary resources, education, health and food in every residential centre;

(c) ensure easy access to every person eligible person to reside in the residential centre;

(d) make efforts to develop mutually dependent relation for residents living in residential centre to lead a mutually humanitarian, emotional, safe and happy life; and

(e) formulate policy for setting up domestic production unit for employment generation in every residential centre.

Constitution of  
Management  
Committee.

**6. (1)** The appropriate Government shall, by notification in the Official Gazette, constitute a Managing Committee to monitor, supervise and coordinate the functioning of the residential centres established under section 4.

(2) The Management Committee shall consist of—

(i) the Chairperson of the local body, *ex-officio*, Chairperson;

(ii) a public servant, *ex-officio*, member;

(iii) a senior-most senior citizen from the residential centre, member;

(iv) an oldest widow from the residential centre, member; and

(v) an eminent social worker, member; to be nominated by the appropriate Government in such manner as may be prescribed.

(3) The appropriate Government shall appoint such number of staff for the residential centres as may be prescribed, from time to time.

(4) The salary and allowances payable to and other term and conditions of service of Chairperson, members other than ex-officio and staff of the Managing Committee and the procedure to be followed in the discharge of its functions shall be such as may be prescribed.

**7.** It shall be the duty of the appropriate Government to implement the national policy formulated under section 3.

Implementation of the policy by the appropriate Government.

**8.** (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute a Fund to be known as the Destitute Senior Citizens, Widows and Orphan Children Welfare Fund for carrying out the purposes of this Act.

Constitution of Destitute Senior Citizens, Widows and Orphan Children Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) The Fund shall be utilized for providing facilities to the residents of residential centres.

**9.** The appropriate Government shall review the quality and progress of residential centres established under section 4 in such manner as may be prescribed.

Appropriate Government to review the quality and progress of residential centres.

**10.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.

Central Government to provide requisite funds.

**11.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not in derogation of any other law.

**12.** (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

## STATEMENT OF OBJECTS AND REASONS

During the last one decade the old age population in India has risen by 39.3 per cent. This segment of population is expected to rise by 45-50 per cent. in the coming decades. Because of continuous replacing of joint families by nuclear families due to ongoing trend and continuous migration the old aged persons have to suffer from several problems including loneliness. There are more than a thousand old age homes but their situations and problems could not be improved and sorted out permanently. In similar ways, there are a large number of widows in the country who face discrimination not only on family front but on social front also. In a number of cases, they do not have shelter and other necessary assistance to lead a dignified life. Now-a-days there is a need to create a total and conducive environment whereby they could spend rest of their life in a productive and happy manner. In addition to this, there is a large section of population of orphan kids who do not have any shelter and are living a destitute life. Most of these kids are engaged as child labour or have fallen prey to drug addiction, some are addicted to drugs, some are involved in flesh trade or illegal trafficking.

There is need to provide an integrated provision in this regard so that these three socially neglected classes could be brought under one roof where these three can line as one family. Widow shall play role of mother to orphan kids and neglected old age person play a role of guardian to these two. By this, a familial environment will be provided for these three classes.

The Bill seeks to establish residential centres for destitute senior citizens, widows and orphans along with shelter, food, clothes and other basic facilities of life to lead a dignified humanitarian, emotional, safe and happy life based on mutually supported relation. The most important objective behind the establishment of the centre is that the widow house, senior citizen house and orphanage established with different methods in the country shall be brought under one roof.

Hence, this Bill.

NEW DELHI;  
06 July, 2022

T. SUMATHY (A) THAMIZHACHI THANGAPANDIAN.

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FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of the residential centres all over the country for use of the destitute senior citizens, widows and orphans. Clause 5 provides that appropriate Government shall ensure residential centres to have proper basic facilities to the beneficiaries. Clause 6 provides for constitution of Management Committee to monitor, supervise and coordinate the functioning of the residential centres. Clause 8 provides for constitution of a Destitute Senior Citizens, Widows and Orphan Children Welfare Fund. Clause 10 provides that Central Government shall provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 193 OF 2022

*A Bill to provide for special financial assistance to the State of Tamil Nadu for the purpose of sustainable and balanced development of growth-oriented infrastructure such as housing, drinking water, roads, sanitation, creation of grain and fodder banks, skill development, cloud seeding, contour bunding and welfare schemes for the women, children, senior citizens and people living below poverty line in the State and for encouraging traditional water conservation through lakes, ponds, wells, rainwater harvesting and afforestation and for matters connected therewith or incidental thereto.*

BE it enacted by the Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and Commencement. **1.** (1) This Act may be called the Special Financial Assistance to the State of Tamil Nadu Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Tamil Nadu to meet the costs of such schemes of development as may be undertaken by the Government of Tamil Nadu with the approval of Union Government for the purposes of—

Special financial assistance to the State of Tamil Nadu.

- (i) improvement of drinking water facilities in the State;
- (ii) implementation of schemes aimed at improving the health and educational standards of girl child;
- (iii) implementation of welfare measures aimed at improving the condition of agricultural and migrant labourers;
- (iv) providing for measures aimed at lowering of infant mortality rate, improving the maternal health and promoting institutional delivery in the State;
- (v) providing employment to members of families living below poverty line and unemployed youth through skill development;
- (vi) providing water and sanitation facilities in rural and urban areas;
- (vii) creating good quality infrastructure of roads, highways, street lights, schools, colleges and transport;
- (viii) creating awareness amongst people about disaster preparedness plan and training them to deal with disasters;
- (ix) creation and maintenance of water conservation bodies such as check dams in the State of Tamil Nadu;
- (x) digging of open wells, ponds and desiltation of such bodies from time to time under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005;
- (xi) encouraging and providing irrigation facilities to the farming sector and promotion of drip irrigation facility in these regions;
- (xii) capping the cultivation area of sugarcane crop and promotion of drought resilient crops;
- (xiii) promotion of rain water harvesting and watershed development to ensure replenishment of groundwater;
- (xiv) afforestation particularly on vacant or barren and waste land with the help of villagers and village Panchayats including community afforestation;
- (xv) promotion of growing fodder and setting up fodder and foodgrain Banks at conspicuous places;
- (xvi) initiating welfare measures for improving the conditions of agricultural workers, senior citizens, women, children and poor people living in these regions;
- (xvii) establishing cold storages and warehouses for the farmers;
- (xviii) settling the debt of farmers;
- (xix) providing compensation and relief to farmers and agricultural labourers for any damage to crops caused due to rainfall deficit, pest attack, flood, hailstorm or any other natural calamity;
- (xx) encouraging and providing sustainable practices like organic farming coupled with modern irrigation facilities like drip irrigation, contour bunding and sprinklers to farmers;

(xxi) promotion of research and development through Krishi Vigyan Kendra in agriculture and drought management to ensure better and inexpensive inputs like seeds, fertilizers and pesticides;

(xxii) promotion of research and development in sectors like livestock and poultry;

(xxiii) promoting food processing industries based on local agricultural products;

(xxiv) implementation of social awareness campaigns through non-Governmental Organisation and Self-Help groups relating to farmer credit, water literacy and drought management through change in cropping pattern;

(xxv) promotion and implementation of cloud seeding through silver iodide in the State; and

(xxvi) such other provisions as the Government of the State of Tamil Nadu may deem necessary for carrying out the purposes of this Act.

Power to  
remove  
difficulties.

**3.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Act not in  
derogation of  
other laws.

**4.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

## STATEMENT OF OBJECTS AND REASONS

The State of Tamil Nadu needs assistance from the Central Government for the successful completion of various schemes being undertaken at present with an aim to improve the standard of life of the people, improve the level of education and health condition of the girls, to encourage the girl students of families living below poverty line to pursue higher education and also to provide incentives for people living below poverty line to pursue higher education. The condition of farmers and agricultural labourers in the State, their welfare and protection are of paramount importance. Central assistance to the State is also needed for the holistic development and further reduction in the maternal and infant mortality rates.

Recurring droughts have made the State farmers to seek support from the Government. The situation is where droughts have been a frequent occurrence during the past fifty years has to be stopped through massive water conservation with check dams and other structures to arrest rain water run off.

The traditional methods of water conservation through digging of open wells, ponds, lakes and such other bodies and time to time desiltation of such water bodies needs to be undertaken. Rain water harvesting has to be promoted as a mass movement in this regions. Afforestation on a large scale particularly on barren lands and wastelands has to be promoted in these regions involving villagers and village Panchayats by providing incentives. This can certainly arrest the desertification in these regions. Unfortunately certain backward regions of the State are not much developed in comparison to other urban regions of the State in terms of infrastructure facilities such as potable water, roads, electricity, sanitation and other development indicators such as employment, per capita income and education particularly of the girl child. Welfare measures for the senior citizens, widows, physically handicapped or infirm do not exist in these regions of the State. Tamil Nadu has to be allocated its fair share of resources by the Central Government. As a welfare State, the Government has to provide all these facilities and work towards giving a requisite push for overall and all round development of the State.

Hence, this Bill.

NEW DELHI;  
6 July, 2022

T. SUMATHY(A) THAMIZHACHI THANGAPANDIAN.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Tamil Nadu to meet the costs of such schemes of development, as may be undertaken by the State of Tamil Nadu with the approval of the Central Government. The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Tamil Nadu. As the sums of moneys which will be given to the State of Tamil Nadu as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government are identified, it is not possible to give the estimates of recurring or non-recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

## BILL NO. 214 OF 2022

*A Bill to provide for establishment of an effective system to prevent internet shutdown, provide procedural safeguards to bring greater transparency and accountability for internet shutdown and to provide for monitoring of shutdowns and for matters connected herewith.*

WHEREAS the Constitution of India provides to all citizens freedoms of speech and expression and the freedom to practice any profession or carry on any trade, business or occupation and enjoy constitutional protection under articles 19(1)(a) and 19(1)(g);

AND WHEREAS the Supreme Court have reasoned that suspension of internet services is illegal and that orders for internet shutdown should satisfy the tests of necessity and proportionality;

AND WHEREAS India has acceded to all major International Human Rights Instruments and demonstrated its commitment to international law and human rights norms including the right to freedom of speech and expression;

AND WHEREAS there is a need to consolidate, streamline and harmonize the varied practices, policies and standards applicable to internet shutdowns in India.

Be it enacted in the Parliament in the Seventy-third Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Prevention of Internet Shutdown Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires—

(a) "appropriate Government" means in the case of State, the Government of that State and in other cases, the Central Government;

(b) "Domain Name System (DNS) interference" means an interface at the network or ISP level where DNS traffic is funneled to a modified DNS server that may be configured to block lookups of certain domain names including the interface where ISP's resolver is working correctly and a DNS injector has been inserted to respond more quickly, resulting in users receiving forged answers in an attack known as 'cache poisoning';

(c) "Deep Packet Inspection (DPI)" means evaluation of the data part and the header of packet that is transmitted through an inspection point, weeding out any non-compliance to protocol, spam, viruses, intrusions, and any other defined criteria to block the packet from passing through the inspection point;

(d) "IP and protocol-based blocking" means blocking where barriers are inserted in the network, such as firewalls that block all traffic to Definitions certain IP addresses;

(e) "National Review Board" means the Review Board constituted by Central Government under section 10;

(f) "person" does not include any company or association or body of individuals, whether incorporated or not;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "public emergency" means problems concerning the interest of the public safety, the sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or the prevention of incitement to the commission of an offence, necessary to protect against an imminent and specific threat to human life or an imminent and specific threat to national security;

(i) "public safety" means obviating of danger to the general public or public property due to disturbances connected with serious internal disorder or such disturbances of public tranquillity which jeopardizes the security of the State;

(j) platform based blocking means where authorities work with ISPs to block information within their geographic region without blocking the entire platform. This includes platform filtering of major search engine providers or social media sites;

(k) "State Review Board" means the Review Board constituted by State Government under section 13;

(l) "throttling" means impairing or degrading lawful Internet traffic where connectivity is substantially slowed for specific sites, apps, or segments of traffic on the basis of Internet, application or service or use of a non harmful device, subject to reasonable network management practices;

(m) "suspension of internet services" means restriction of access to the internet to a segment of the population irrespective of the provider or access medium that they utilize;

(n) "URL-based blocking" means where a blocking device contains a list of web URLs in which to restrict access and internet users trying to view any of the URLs on the list will encounter an interruption.

## CHAPTER II

### CONDITIONS FOR SUSPENDING TELECOM SERVICES

3. (1) The appropriate Government or an officer not below the rank of a Joint Secretary to the Government of India, who has been duly authorised by the Union Home Secretary or the State Home Secretary, as the case may be, if satisfied that there exists a public emergency or it is necessary in the interest of public safety may issue orders for temporary suspension of internet services in the State or part thereof:

Suspension of internet services.

Provided that every order for suspension of internet services issued by the officer authorised by the Union Home Secretary or the State Home Secretary, shall be subject to the confirmation from the appropriate Government within twenty-four hours of issuing such order:

Provided further that the order of suspension of internet services shall cease to exist in case of failure of receipt of confirmation from the appropriate Government within the said period of twenty-four hours.

(2) The appropriate Government or an officer authorized while issuing an order of suspension of internet services under sub-section (1) shall proceed with the least restrictive means with successive steps having increased disruption of telecom technology.

4. The appropriate Government while suspending the internet services under section 3 shall take into considerations that:—

Principles to be observed while suspending internet services.

(a) any kind of communication disruption shall be the last resort to respond to a situation of public emergency or public safety;

(b) all alternative remedies were exhausted or were not available;

(c) any kind of communication disruption is minimal to achieve states objectives and have direct nexus with the objective of the suspension of internet services;

(d) framework for gradation to every situation which necessitates an internet shutdown has been applied;

(e) even when the state is fighting the threat of terrorism, it may prohibit speech only if it is likely to lead to imminent violence;

(f) dissemination of information regarding issue of orders has not been denied citing logistical inconvenience; and

(g) lack of technical ability shall not be an excuse for lack of granularity.

5. The appropriate Government shall have the power to direct the following order for suspension of internet services:—

Graded scheme for degree of suspension of internet services.

(a) platform based blocking;

(b) URL-based blocking;

(c) Domain Name System (DNS) interference;

(d) Deep Packet Inspection (DPI);

(e) IP and protocol-based;

- (f) throttling;
- (g) partial suspension of internet; and
- (h) full suspension of internet;

Provided that the appropriate Government may, by notification in the Official Gazette, amend the grades for suspension of internet services by including therein any other gradation or the ones already specified therein and on the publication of such notification, such gradation shall be deemed to be included in or, as the case may be, omitted from the section:

Provided further that the appropriate Government shall not directly order for a full suspension of internet services unless a notification is issued by the Central Government and laid before each House of Parliament.

### CHAPTER III

#### REGULATORY FRAMEWORK

Content of  
Orders of or  
suspension of  
Internet  
Services.

**6. (1)** Every order of suspension of internet services issued under section (3) shall contain,—

- (a) the geographic scope of such action and reasons for such direction; and
- (b) the time period of effectiveness of the order of suspension of internet services for which the appropriate Government is requesting authorization to maintain such action and reasons for such direction.

(2) A copy of order issued under section (3) shall be forwarded to the national Review Board or the State Review Board, as the case may be latest by next working day of the issuance of such order:

Provided that a copy of the order shall also be published in local or national newspaper and endeavour shall be made to disseminate the order to be made available to general public in such manner as may be prescribed:

Provided further that the appropriate Government may, without the publication of the order when maintenance of secrecy of such order or portion thereof is necessary to protect against an imminent and specific threat to national security; or such portion of the order contains classified information, as the case may be.

(3) The directions for suspension issued under section 3 shall be conveyed to the designated officers of the telegraph authority or to the designated officers of the service providers, who have been granted licenses under section 4 of the Indian Telegraph Act, 1885 in writing or by secure electronic communication by an officer not below the rank of Superintendent of Police or of the equivalent rank and mode of secure electronic communication and its implementation shall be determined by the telegraph authority.

(4) The telegraph authority and service providers shall designate officers in every licensed service area or State or Union territory, as the case may be, as the nodal officers to receive and handle such requisitions for suspension of internet services.

Duration of  
the Internet  
suspension.

**7.** The suspension order issued under section 3 shall not be in operation for more than fifteen days at a time:

Provided that any order for successive suspension of internet services may be notified only after the National or the State Review Board, as the case may be, is satisfied that the sufficient conditions are met and the first order was legal and the situation has improved considerably:

Provided further that the national or the State Review Board, as the case may be, is satisfied for issue of successive order which shall be writing specifying the reasons for arriving at the decision and shall be published within forty-eight hours in such manner as may be prescribed.



8. The National Review Board or the State Review Board, as the case may be, upon receipt of the order under section 3 for suspension of internet services due to public emergency or public safety, meet within twenty-four hours and record its findings whether the direction issued are in accordance with the provisions of section 3.

Review of order for suspension Internet Services.

9. Any person aggrieved by a decision of the National Review Board or the State Review Board, as the case may be, made under this Act, may, within sixty days from the date of such decision and in such manner and form, as may be prescribed prefer an appeal to the High Court:

Appeal to lie to the High Court.

Provided that the High Court may accept an appeal after the stipulated time period if reasonable cause for the delay is shown.

#### CHAPTER IV

##### CONSTITUTION, FUNCTIONS AND POWERS OF REVIEW BOARD

10. (1) The Central Government shall, by notification, establish, with effect from such date as may be specified therein a National Board to be known as the National Review Board to exercise the jurisdiction, powers and authority conferred on such Board by or under this Act.

National Review Board.

(2) The National Review Board shall consist of—

(a) Cabinet Secretary — Chairperson;

(b) Secretary to the Government of India, Department of Legal Affairs, Ministry of Law and Justice — Member;

(c) Secretary to the Government of India, Department of Telecommunications, Ministry of Communication — Member;

(d) a Judicial Member and an expert member to be appointed by the Central Government in such manner as may be prescribed;

(e) an Official from National Human Rights Commission to be appointed by the Central Government in such manner as may be prescribed; and

(f) a Member of Parliament from the House of People to be nominated by the Speaker of the House of the People:

Provided that a person shall not be qualified for appointment as—

(i) a Judicial Member unless he—

(a) is, or has been, a judge of a High Court; or

(b) is, or has been a District Judge for at least five years; or

(c) has, for at least ten years been an advocate of a court;

*Explanation.*—For the purpose of computing the period during which a person has been an advocate of a court, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law after he becomes an advocate; and

(ii) an expert member, unless he,—

(a) has a Bachelor degree in Law, Political Sciences or International Relations, technology or related fields; and

(b) is a person of proven ability, integrity and standing having special knowledge and experience having an experience of fifteen years in the relevant field including five years practical experience in the field of technology, law and policy, or not less than ten years of litigation experience in the field of human rights.

(3) The Judicial Member and the Expert Member shall not—

(a) hold any other office during their tenure as such; and

(b) for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or a administration of, any person who has been a party to a proceeding before the National Review Board under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 2(45) of the Companies Act, 2013.

(4) The Salary and allowances payable to, and other terms and conditions of services of judicial member and expert member of the National Board shall be such as may be prescribed.

(5) The Chairperson of the National Board may, if considered necessary, invite one or more person having specialised knowledge and experience in a particular case to assist the National Board in such manner as may be prescribed.

(6) The Central Government may, by notification, specify the ordinary place or places of sitting of the National Board and the territorial jurisdiction falling under each such place of sitting.

(7) The Central Government may, in consultation with the Chairperson of the National Board, make rules regulating the practices and procedure of the Composition of National Review Board.

Functions of  
the Board.

**11. (1)** The National Board shall,—

(a) declare the validity, necessity, legality and proportionality of the orders for the suspension of the internet services, in accordance with the principles envisaged under section 4;

(b) record information on the number of decisions on orders of suspension of internet services;

(c) from time to time, assess the impact of suspension of internet services on the Indian economy as well their effectiveness in dealing with public emergencies;

(d) issue documentation in accordance with provisions contained in this Act;

(e) inquire, *suo moto* or on an application presented to it either by any person aggrieved or by someone acting on their behalf, in respect of the following—

(i) suspension of the internet services; or

(ii) any conditions or consequent orders be passed following the suspension of the internet; or

(iii) any other order that may be necessary under this Act.

(f) maintain a record of the details, as prescribed, of orders of suspension of the internet services under the terms of this Act and shall make the same periodically available to the Central Government in such manner as may be prescribed; and

(g) undertake such measures and give such directions or pass such orders as are necessary for the purpose of discharging its functions under this Act.

Power of the  
National  
Board.

**12. (1)** The National Board shall, in the discharge of its functions, be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules made by the Central Government, the Board shall have the power to regulate its own procedure.

(2) The Chairperson and the members shall have the power to delegate to one another such powers or functions as may be prescribed.

(3) In particular and without prejudice to the generality of the foregoing provisions, the powers of the National Board shall include the power to determine the extent to which persons interested, or claiming to be interested, in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives, or to examine witnesses, or otherwise take part in the proceedings:

Provided that any such procedure as may be prescribed or follows shall be guided by the principles.

(4) The National Board, for the purposes of any inquiry or for any other purpose under this Act, shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, while trying suits in respect of the following matters, namely—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavit;

(d) the requisitioning of any public record from any court of office;

(e) the issuing of any commission for the examination of witnesses; and

(f) any other matter which may be prescribed.

(5) The National Board may cause an inquiry to be made into the compliance of its orders or directions made in the exercise of its powers under this Act, and may impose such penalties as may be prescribed.

(6) The National Board, with a view to rectifying any mistake apparent from the record, shall have the power to amend any order or direction passed by it under the provisions of this Act:

Provided that the Board shall not, while rectifying any mistake apparent from the record, amend the substantive part of such order or direction.

(7) The National Board may, appoint such administrative, technical, and other staff as it may consider necessary.

(8) The Salary and allowances payable to, and other terms and conditions of services of staff of the National Board shall be such as may be prescribed.

**13. (1)** The State Government shall, by notification, establish, with effect from such date as may be specified therein, a State Board to be known as the State Review Board to exercise the jurisdiction, powers and authority conferred on such Board by or under this Act.

Establishment  
of the State  
Review Board.

(2) The State Board shall consist of—

(a) Chief Secretary — Chairperson;

(b) Secretary to the State Government, Department of Legal Affairs — Member;

(c) a Judicial Member and an expert member to be appointed by the State Government in such manner as may be prescribed;

(d) an Official from State Human Rights Commission to be appointed by the State Government in such manner as may be prescribed;

(e) two Members of the State Legislative Assembly one each from the ruling party and the main opposition party to be nominated by the Presiding Officer of the State Legislative Assembly concerned:

Provided that a person shall not be qualified for appointment as—

(i) a Judicial Member unless he—

(a) is, or has been a judge of a High Court; or

(b) is, or has been, a District Judge for a least five years; or

(c) has, for at least ten years been an advocate of a court.

*Explanation.*—For computing the period during which a person has been an advocate of a court, there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law after he become an advocate.

(ii) an expert member, unless he,—

(a) has a Bachelor degree in Law, Political Sciences or International Relations, technology or related fields; and

(b) is a person of proven ability, integrity and standing having special knowledge and experience having an experience of fifteen years in the relevant field including five years practical experience in the field of technology, law and policy, or not less than ten years litigation experience in the field of human rights.

(3) The Judicial Member and the Expert Member shall not—

(a) hold any other office during their tenure as such; and

(b) for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the State Review Board under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 2(45) of the Companies Act, 2013.

(4) The Salary and allowances payable to, and other terms and conditions of services of judicial member and expert member of the State Board shall be such as may be prescribed.

(5) The Chairperson of the State Board may, if considered necessary, invite one or more person having specialised knowledge and experience in a particular case to assist the State Board in such manner as may be prescribed.

(6) The State Government may, by notification, specify the ordinary place or places of sitting of the State Board and the territorial jurisdiction falling under each such place of sitting.

(7) The State Government may, in consultation with the Chairperson of the State Board, make rules regulating the practices and procedure of the Composition of State Review Board.

**14. (1)** The State Board shall,—

Functions of  
the State  
Board.

(a) declare the validity, necessity, legality and proportionality of the orders for the suspension of the internet services, in accordance with the principles envisaged under section 4;

(b) record information on the number of decisions on orders of suspension of internet services;

(c) from time to time, assess the impact of suspension of internet services on the Indian economy as well their effectiveness in dealing with public emergencies;

(d) issue documentation in accordance with provisions contained in this Act;

(e) inquire, suo moto or on an application presented to it either by any person aggrieved or by someone acting on their behalf, in respect of the following—

(i) suspension of the internet services; or

(ii) any condition or consequent orders be passed following the suspension of the internet; or

(iii) any other order that may be necessary under this Act.

(f) maintain a record of the details, as prescribed, of orders of suspension of the internet services under the terms of this Act and shall make the same periodically available to the State Government in such manner as may be prescribed; and

(g) undertake such measures and give such directions or pass such orders as are necessary for the purpose of discharging its functions under the Act.

**15. (1)** The State Board shall, in the discharge of its functions, be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules made by the State Government, the Board shall have the power to regulate its own procedure.

Powers of the  
State Board.

(2) The Chairperson and the members shall have the power to delegate to one another such powers or functions as may be prescribed.

(3) In particular and without prejudice to the generality of the foregoing provisions, the powers of the State Board shall include the power to determine the extent to which persons interested, or claiming to be interested, in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives, or to examine witnesses, or otherwise take part in the proceedings:

Provided that any such procedure as may be prescribed or followed shall be guided by the principles of natural justice.

(4) The State Board, for the purpose of any inquiry or for any other purpose under this Act, shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, which trying suits in respect of the following matters, namely—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavit;

(d) the requisitioning of any public record from any court or office;

(e) the issuing of any commission for the examination of witnesses; and

(f) any other matter which may be prescribed.

(5) The State Board may cause an inquiry to be made into the compliance of its orders of directions made in the exercise of its powers under this Act, and may impose such penalties as may be prescribed.

(6) The State Board, with a view to rectifying any mistake apparent from the record, shall have the power to amend any order or direction passed by it under the provisions of this Act:

Provided that the Board shall not, while rectifying any mistake apparent from the record, amend the substantive part of such order or direction.

(7) The State Board may, appoint such administrative, technical, and other staff as it may consider necessary.

(8) The Salary and allowances payable to, and other terms and conditions of services of staff of the State Board shall be such as may be prescribed.

Removal of the  
Chairperson  
and the  
Member from  
Office.

**16.** The appropriate Government may remove from office a Chairperson or Member from the National Review Board or the State Review Board, as the case may be, who—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted for an offence which in the opinion of the Central Government involves moral turpitude; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the functions of his office; or

(g) has abused his positions as to render his continuance in office prejudicial to the public interest.

Secretary,  
Officers and  
Other  
Employees of  
Board.

**17. (1)** The appropriate Government shall appoint a Secretary to exercise and perform, under the control of or such powers and duties as may be prescribed or as may be specified by the National Board or the State Board as the case may be.

(2) The Secretary shall have the powers of general superintendence, direction and control in respect of all administrative matters of the National Board or the State Board as the case may be:

Provided that the Secretary may delegate such of his powers, as he may think fit, to any other officer of the National Board or the State Board as the case may be.

(3) The salaries and allowances payable to, and the conditions of service of, the Secretary and other officers and employees of the National Board or the State Board as the case may be, shall be such as may be prescribed.

Vacancies,  
etc. not to  
invalidate  
proceedings of  
the Board.

**18.** No act or proceeding of the Board, shall be questioned on the ground merely of the existence of any vacancy or defect in the appointment of the Chairperson or Member, or any defect in the appointment of a person acting as the Chairperson, or Members.

Chairperson  
and Members  
to be Public  
Servants.

**19.** The Chairperson, Members and other permanent staff of the National Board or the State Board as the case may be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Proceedings  
before Board  
to be Judicial.

**20.** The National Board or the State Board as the case may be deemed to be a civil court every proceeding shall be deemed to be judicial proceeding.

## CHAPTER V

## COMPENSATION

**21.** Any person who is adversely affected or who have suffered loss or injury as a result of suspension of internet services, may approach the High Court for compensation in such manner as may be prescribed. Compensation.

## CHAPTER VI

## TECHNICAL ASSISTANCE

**22.** the appropriate Government or the National Board or the State Board, as the case may, be, may seek the good offices of the United Nations or other relevant agencies for its expertise, technical assistance and guidance in relation to any matter arising under this Act in such manner as may be prescribed. Technical Assistance.

## CHAPTER VII

## FINANCE, AUDIT AND ANNUAL REPORT

**23.** (1) The Central Government, shall after due appropriation made by Parliament by law in this behalf, pay to the National Board or the State Board, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purpose of this Act. Grants by the Central Government.

(2) The National Board or the State Board may spend such sums as it thinks fit for performing the functions under this Act, and sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

**24.** (1) The National Board or the State Board shall maintain proper accounts and other relevant records, and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. Accounts and Audit.

(2) the Accounts of the National Board or the State Board shall be audited by the Comptroller and Auditor General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the National Board or the State Board under this Act, shall have the same rights, privileges, and authority in connection with such audit, as the Comptroller and Auditor-General generally has in connection with the audit of Central Government accounts:

Provided further that the Comptroller and Auditor-General shall, in particular, have the right to demand the production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the National Board or the State Board, as the case may be.

(4) The accounts of the National Board or the State Board, as certified by the Comptroller and Auditor General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Board.

(5) The Central Government shall cause the audit report forwarded under sub-section (4) to be laid before each House of Parliament as soon as may be after it is received.

**25.** (1) The National and the State Review Board shall prepare, once in every year, in such form and at such time as may be prescribed, an annual report giving a full account of its activities during the previous year, copies of which shall be forwarded to the Central Government. Annual Report.

(2) copy of the report received under sub-section (1) shall be laid, as soon as may be after it is received, before each House of Parliament.

## CHAPTER VIII

## MISCELLANEOUS

- Empowerment of Concerned Authority. **26.** The Central Government may be order empower the concerned authorities to assist and cooperate with the Board for the enforcement of this Act.
- Bar of Jurisdiction. **27.** On and from the appointed day, no court or authority shall have, or be entitled to exercise, any jurisdiction, power or authority in relation to matters specified in this Act, except the Supreme Court and a High Court exercising powers under articles 32, 226 and 227 of the Constitution.
- Protection of action taken in good faith. **28.** No suit or other legal proceeding shall lie against the Central Government, State Government, Board or any person acting under the direction either of the Central Government, State Government, Board in respect of anything which is, in good faith, done or intended to be done, in pursuance of this Act or of any rules or any order made thereunder.
- Act to have overriding effect. **29.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
- Power to make Rules. **30.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act;
- (2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for—
- (a) the procedure for suspension of internet services in India under section 4;
  - (b) the duration and procedure for internet suspension subject to the provisions contained under this Act;
  - (c) the salaries and allowances and other terms and conditions of service of the judicial and expert member under section 10;
  - (d) the compensation provided under section 21; and
  - (e) the effective implementation of this Act.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

In recent years, internet shutdowns have become a common answer to any day to day law and order issue or a tool of administrative convenience. It has increased to such an extent that India is now a world leader in the number of Internet shutdowns imposed and no other country is even remotely close to the number of shutdowns imposed in India.

Internet suspension is governed by Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017. Prior to notification of these rules the State Government was allowed to suspend the internet through section 144 of the CrPC. After the notification of these rules State Government were meant to follow the law laid down under them, despite that States continue to suspend the internet under section 144. This practice was criticised by the Supreme Court as well in the case of Anuradha Bhasin vs. Union of India, yet it continues.

Understanding the problems that such rampant internet shutdowns pose to the economy and the liberties of individuals, the Standing Committee on Communications and Information Technology (hereinafter "the Committee") headed by Dr. Shashi Tharoor, decided to undertake a detailed review of the governing legal framework, procedure adopted by the States, safeguards to protect from misuse and other ancillary issues. The Committee noted that "the suspension of internet services greatly affects the local economy, healthcare services, freedom of press and education etc." It also observed that "the perceived tradeoff of internet shutdown leading to better law and order outcomes with reduced risk of violence or hate speech is dubious in its assumption". It further observed that as per empirical study internet shutdowns are not effective in pacifying protests and often have unintended consequences of incentivising violent forms of collective action which requires less communication and coordination.

Hence this Bill to cover the grounds for imposing an internet shutdown, directs the government to maintain official Data on Internet Shutdown, lays down a regulatory framework for suspending internet, and upholds the dictum of the Committee that "it is essential that any interruption to these services should be avoided and where unavoidable, the power to interrupt needs to be exercised with abundant caution". The bill also attempts to expand the composition/powers and/functions of the Review Board by including Judicial and Expert members as well Member of Parliament/Member of Legislative Assembly, thereby diluting the away of executive branch.

Hence, this Bill.

NEW DELHI;  
7 July, 2022.

T. SUMATHY (A) THAMIZHACHI THANGAPANDIAN.

## FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for printing of orders for internet shutdown in local and national newspapers for information of general public. Clause 10 provides for appointment of Judicial member and expert member to the National Review Board. Further Clause 12 provides for appointment of staff of National Review Board. Clause 17 provides for appointment of Secretary to National and State Review Board. Clause 23 provides for Grants by Central Government to the National and State Review Board after due appropriation made by Parliament. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees twenty crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved. The expenditure in relation to the State Review Board shall be met from the Consolidated Fund of the respective State.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 30 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules relate to matters of detail only, the delegation of legislative power is of normal character.

## BILL NO. 205 OF 2022

*A Bill further to amend the Wild Life (Protection) Act, 1972.*

BE it enacted by Parliament in the Seventy-third year of the Republic of India as follows:—

**1.** (1) This Act may be called the Wild Life (Protection) Amendment Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

53 of 1972.

**2.** In section 8 of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), sub-section (c) shall be omitted.

Amendment of  
Section 8.

**3.** In Schedule III of the principal Act, entry (19) shall be omitted.

Amendment of  
Schedule III.

**4.** In Schedule V of the principal Act, after entry (7), the following entry shall be inserted, namely:—

Amendment of  
Schedule V.

"8. Wild boar".

## STATEMENT OF OBJECTS AND REASONS

The farmers in the State of Kerala and elsewhere in the country have been deeply disturbed by wild animals over the past few years. This man-animal conflict has increased in the last few years. The farmers have been agitated due to the condition as it has put them in a worse situation, especially after what they had to suffer throughout the pandemic. The farmers have been suffering due to wild animals breaching into human settlement but, wild boar in particular, has been notoriously the chief architect of this suffering. There were 64 cases of wild animals breaching into human settlements in the first month of this year itself. Since then, the problem has only risen. While other wild animals including wild buffalo and elephants form a major chunk of this problem, the wild boars bring to the table a multi-faceted problem.

The wild boar not only destroys the crops but also is a direct threat to human life as well. There have been instances of the wild boar attacking humans and moreover, also carrying a pathogen that causes zoonosis. The number of wild boars has increased over the last ten years, while the resources remain limited and thus pushes these wild animals to try to claim territories within human settlements. Boring of ditches, construction of fences, solar and other attempts have failed to prevent such wild animal attacks. This amendment in the existing law demands the wild boar to be declared as vermin. This would allow the usage of rubber pellets against these animals to keep them away. The Government should allow the farmers to safeguard their crops by using self-defensive ways so as to get rid of the wild boars in the region without any further delay including advise of the concerned Stated Board for wild life which takes undue and lengthy period of time in amending the schedule to declare any wild animal as vermin.

Hence, this Bill.

NEW DELHI;  
1 August, 2022

THOMAS CHAZHIKADAN.

## BILL NO. 220 OF 2019

*A Bill to provide for constitution of a Committee to recommend conferring of civilian on persons having outstanding contributions in different fields.*

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

**1.** (1) This Act may be called the Civilian Awards (Recommendation Committee) Act, 2019. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,— Definitions.

(a) “civilian award” includes Bharat Ratna, Padma Vibhushan, Padma Bhushan, Padma Shri, Arjun Award and such other award for outstanding contribution in such fields, as the Central Government may be notification in the Official Gazette, specify, but does not include Gallantry Award conferred on personnel of Armed Forces;

(b) “Committee” means the Civilian Awards Recommendation Committee constituted under section 3; and

(c) “prescribed” means prescribed by rules made under this Act.

Constitution  
of the Civilian  
Awards  
Recommendation  
Committee.

**3. (1)** The Central Government shall, within a period of six months from the coming into force of this Act, constitute a Committee to be known as the Civilian Awards Recommendation Committee for the purpose of selecting the names of persons to be conferred with civilian awards.

(2) The Chairperson of the Committee shall be nominated by the Central Government in such manner, as may be prescribed from amongst persons of eminence having adequate knowledge and experience in social work, administration, public affairs, health, science or law.

(3) The Committee shall have one representative from each State and Union territory as member, who shall be appointed by the Central Government in consultation with the concerned State Government or the union territory Administration, as the case may be.

(4) The Chairperson and the members of the Committee shall hold office for a period of three years.

(5) The salary and allowances payable to and other terms and conditions of the Chairperson and other members shall be such as may be prescribed.

(6) The Central Government shall provide such number of Officers and staff to the Committee, as may be necessary, for its efficient functioning.

Committee to  
recommend  
the names for  
civilian award.

**4. (1)** The Committee shall recommend to the Central Government the names of persons to be considered for conferring a civilian award.

(2) The Committee shall, while recommending a name under sub-section (1), take into consideration the outstanding contribution of a person in the field of music and fine arts, social service, medicine, science, teaching, sports, politics or any other discipline as it may deem fit.

Central  
Government  
to give due  
consideration  
to the  
recommendation  
of the  
Committee.

**5. (1)** The Central Government shall, while finalising names of persons for conferring a civilian award, give due consideration to the names recommended by the Committee.

(2) The Central Government may consider name of any person other than those recommended by the Committee for conferring a civilian award.

Certain  
facilities and  
cash award to  
person  
conferred with  
a civilian  
award.

**6.** A person conferred with a civilian award shall be entitled to such facilities and cash award as may be prescribed.

Power to  
make rules.

**7. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Awards are sign of pride and honour. Civilian award are given to common people for their extraordinary deeds in defferent fields every year. However, there is no mechanism to search the most eligible persions and highlight their extraordinary deeds while considering the names for conferring civilian awards. There have been complaints from several quarters for non-inclusion of names of eligible persions for their exceptinal work in public service or for advancement of art, literature, science, etc. One such person, *Pandit Tukdoji* in the State of Maharashtra has made an immense contribution in social reforms among rural population, but he has not been conferred any suitable award so far.

The present Bill seeks to provide for constitution of a Committee to recommend conferring of civilian awards on persons of outstanding in different fields of society.

Hence, this Bill.

NEW DELHI;  
8 July, 2019

ASHOK MAHADEORAO NETE.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of Committee to be known as the Civilian Awards Recommendation Committee for the purpose of selecting the names of persons to be conferred with Civilian Award. Clause 6 provides for certain facilities and cash award for persons conferred with civilian award. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees one crore will be involved per annum.

A non recurring expenditure of about rupees fifty lakh is also likely to be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters will relates to details only, the delegation of legislative power is, therefore, of a normal character.



## BILL NO. 9 OF 2020

*A Bill further to amend the Forest (Conservation) Act, 1980.*

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 2020.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After section 3B of the Forest (Conservation) Act, 1980, the following sections shall be inserted, namely:—

Insertion of  
new sections  
3C and 3D.

"3C. (1) Nothing in this Act or in any other law for the time being in force, in any part or whole of the territory of India shall be deemed to prohibit the inhabitants of hill areas, living in the vicinity of reserved forests or protected forests or in the vicinity of any other forest land, by whatever name called, from feeling, cutting, sawing off or

Protection of  
rights of  
inhabitants of  
hill areas over  
forests.

removing trees including green trees or from taking timber and fodder or fetching water or using any other forest produce or from grazing rights or from stripping the bark or leaves from any tree or from quarrying of stones or from any other right or concession which they had been traditionally enjoying or which is recognised and settled as a right by the State Government, in such forest or forest land for their own bonafide use for the purpose of collecting fuel or for agriculture or for other domestic and non-commercial purposes.

(2) For the purposes of sub-section (1), the State Government shall grant licenses to the bonafide users in such form and manner as it may, by notification in the Official Gazette, specify.

(3) Nothing in this section shall prohibit the State from imposing such conditions or making such regulations, including quantities of forest produce which the bonafide users may be entitled to, as are necessary, for conservation and development of forests for public good.

(4) The provisions of this section shall have effect notwithstanding any judgment or order or decree of any court or tribunal or any authority contrary to the provisions of this section.

Approval of  
Central  
Government  
not required  
for  
deforestation  
in certain cases

3D. (1) Notwithstanding anything contained in sections 2 and 3, the approval of the Central Government shall not be required for deforestation in the following cases, namely:—

(i) any work relating to building new houses for tribal and non-tribal families living in the vicinity of forest land;

(ii) construction of,—

(a) roads or helipads or ropeways to give connectivity to important places;

(b) primary health centres;

(c) anganwadis; and

(d) water tanks.

(iii) laying of,—

(a) pipelines for sewer/drinking water connections; and

(b) telecommunication lines.

(iv) erection of electric poles for transmission and distribution of electricity for exclusive benefits to tribal and non-tribal settlements in the vicinity of forests;

(v) any work relating or ancillary to mining; and

(vi) any other development work to be carried out under any developmental scheme launched by the Central Government or State Government, as the case may be.

(2) Every State Government shall forward a list of all cases of deforestation under sub-section (1) to the Union Ministry of Environment and Forests.

(3) If the Central Government, on the basis of information received under sub-section (2) or otherwise, is satisfied that due to development works specified in sub-section (1), the forest cover in a State has depleted more than ten per cent., during any previous year and that the State Government has not undertaken any effective steps to maintain the forest cover, it may, by notification, suspend the application of the provisions of this Act, in relation to that State till such time as it may deem necessary."

## STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 was enacted with a view to checking increasing deforestation and consequent degradation of environment. The Act made prior approval of the Central Government obligatory for de-reservation of reserved forests and also for use of forest lands for non-forest purposes. Though no one disputes the purpose for which the Act was enacted yet, it cannot be denied that the forests are inseparably linked with day to day life of the hill people. People of the hill regions of Uttarakhand enjoyed the right to graze cattle, take fuel wood, grass, stones, etc. from the reserved forests for their bonafide use. Repeated attempts were made to curtail the rights of hills people from time to time. In the past, there was a Forest Grievance Committee appointed by the British Government which submitted its report in 1921. Thereafter, a report submitted by Mr. V.A. Stowell, I.C.S. on land management system, which is accepted as law, recognised all the aforesaid traditional rights of the hill people. However, by an order dated 12 December, 1996, the Supreme Court directed that in hill areas, felling of trees will not be permitted in any forest, whether public or private. However, this ban was not to apply to permits granted to right holders for their bonafide personal use in Himachal Pradesh.

In the hill regions of Uttarakhand, approximately 40 thousand cu. mt. of timber per year was granted to the people as rights and concessions of forest produce at the time of settlement under the Indian Forests Act. Depriving people of hill regions of their customary rights as recognised by the Government has created hardships and discontent amongst them. There is no fuel wood available in cremation grounds and for other bonafide customary uses of the people of hill regions of Uttarakhand.

Similarly, tribal and non-tribal people living in the vicinity of the forest land are facing problems in construction of their new houses anganwadi centres, public health centres in and around their settlements. There is no provision in the Act to provide relaxation for utility services like construction of public roads, laying sewer lines, building water tanks, erecting electric poles for transmission and distribution of electricity supply and laying telephone lines, etc.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recently enacted by Parliament, recognizes and confers certain rights on Scheduled tribes and other traditional forest dwellers. However, these rights can be enjoyed only by those other traditional forest dwellers who have at least for three generations (*i.e.* seventy-five years in all) prior to 13 December, 2005 primarily resided in and who depend on the forest lands for their bonafide livelihood needs. The Act, therefore, does not adequately address the problems of the people of hill regions of Uttarakhand. Even after the enactment of this Act, the people of hill regions are not able to enjoy their customary rights for their bonafide use.

Further, development works like building new houses, roads, helipads, ropeways, primary health centres, water tanks, etc. still require approval of the Central Government. This results in avoidable delay in the delivery of services to the people living in these areas. This Act, therefore, does not adequately address the problems of the people living in the vicinity of forest lands and especially of hilly regions of Uttarakhand.

People living in the vicinity of forest lands have not seen any developmental work in their area as the existing Forest (Conservation) Act, 1980 provides for a cumbersome procedure to be followed for approval of any project for development of basic amenities in the area. It is necessary to serve the interests of the tribals and other non-tribal people living in the vicinity of forest lands by amending the existing Forest (Conservation) Act, 1980 with a view to facilitate carrying out of necessary construction and other development related works to meet the demands of their growing population for housing, health centres, etc. in the vicinity of their existing settlements.

The proposed Bill is, therefore, an attempt towards restoring such customary rights as are enjoyed by the people of hill regions with forests, while, at the same time, allowing the State Government to regulate such rights for the conservation of forests and also to enable them to implement the schemes aimed at the overall development of hilly regions.

NEW DELHI;  
26 November, 2019

TIRATH SINGH RAWAT.

## BILL NO. 48 OF 2020

*A Bill to provide for payment of compensation to persons attacked by wild animals and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Compensation to Persons Attacked by Wild Animals Act, 2020. Short title and extent.

(2) It extends to the whole of India.

2. In this Act, 'wild animal' has the same meaning as assigned to it in the Wild Life Protection Act, 1972. Definitions.

Central Government to frame a scheme for compensation to persons attacked by wild animals.

**3.** (1) The Central Government shall frame a Scheme for payment of compensation to persons attacked by wild animals.

(2) Without prejudice to the generality of the foregoing provision, the scheme shall include:—

(i) payment of compensation of rupees two lakh in case of death caused by a wild animal;

(ii) payment of compensation of rupees fifty thousand in case of an injury caused by a wild animal;

(iii) an insurance scheme for persons residing near areas generally inhabited or frequented by wild animals; and

(iv) compensation in case of damage or loss to property or crops due to attack by wild animals.

(3) The Central Government may, by notification in the Official Gazette, make rules for payment of compensation to the persons attacked by wild animals.

Compensation not payable in certain circumstances.

**4.** Notwithstanding anything contained in section 3, no compensation shall be payable to a person attacked by wild animal under the following circumstances:—

(i) if he has gone to a forest area or an area generally inhabited or frequented by wild animals for the purpose of hunting or capturing the wild animals alive;

(ii) if he has attacked a wild animal except under the circumstance of self-defence;

(iii) if he has strayed into an area which is exclusively specified for wild animals; and

(iv) if he commits any act which would result in hunting or torturing or leading to Administration of the Scheme.

Administration of the Scheme.

**5.** The Scheme shall be administered by such authority, not lower in rank than the District Collector, as may be specified by the Central Government.

Act to have overriding effect.

**6.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

**7.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

In the recent days, there have been several cases of attacks by wild animals on innocent persons resulting in death or serious injury to those persons. There have also been instances when property and crops were damaged by wild animals.

It has also been seen that the victims of attack by wild animals are mostly poor people. After such attacks, it often happens that they either die or suffer from permanent disability. In either case, their dependants have to fight for their survival. At present there is no provision for payment of compensation to the persons attacked by wild animals. There is a provision for punishment for cruelty to wild animals but there is no provision for compensation if wild animals attack innocent persons.

Therefore, a provision, with due safeguards, has been made for payment of compensation to persons attacked by wild animals.

NEW DELHI;  
21 January, 2020

TIRATH SINGH RAWAT.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame a Scheme for payment of compensation to the persons attacked by wild animals. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three hundred crore per annum.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.



## BILL NO. 167 OF 2022

*A Bill to provide for protective measures for the agricultural and other rural workers against exploitation and for ensuring minimum wages, pension, provident fund facilities and financial compensation with paid leave in case of accidents, medical, maternity and creche facilities to women workers, education and nutrition for the children and such other welfare measures to be ensured by the State and for the establishment of a Welfare Authority and Welfare Fund for such workers of the rural areas and for matters connected therewith or incidental thereto.*

BE it enacted by the Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Agricultural and Other Rural Workers (Protection and Welfare) Act, 2022.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "agricultural worker" means a person who works as a labourer on being hired or works in exchange, whether in cash or kind or partly in cash and partly in kind, in any of the agricultural or related operations of an employer, farmer or other person, as the case may be;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Authority" means the National Agricultural and other Rural Workers Welfare Authority established under section 3;

(d) "employer" means any person who employs directly or through any other person or agent or contractor, whether on his own behalf or on behalf of any other person, one or more agricultural or other rural worker, for any work or work connected with the agricultural or horticulture operations or for any other work connected with village industries;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "rural worker" means a worker who works as artisan, weaver, potter, blacksmith, etc. in rural areas on hire or contract or in exchange whether in cash or kind or partly in cash and partly in kind for any other person or employer;

(g) "Welfare Fund" means the Agricultural and other Rural Workers Welfare Fund constituted under section 5.

Establishment  
of the National  
Agricultural and  
other Rural  
Workers  
Welfare  
Authority.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish the National Agricultural and other Rural Workers Welfare Authority for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Phaltan in Satna district in the State of Maharashtra and the Authority may establish regional and branch offices at other conspicuous places in the country as it may deem necessary for carrying out the purposes of this Act.

(4) The Authority shall consist of the following members, namely:—

(a) a Chairperson to be appointed by the Central Government having adequate experience, qualifications and knowledge of labour laws and issues related to working class or of agricultural operations or of the higher Judiciary at least of sessions level;

(b) a Deputy Chairperson to be appointed by the Central Government having such education qualifications and experience as may be prescribed;

(c) five members to be appointed by the Central Government each to represent the Union Ministries of Agriculture and Farmers Welfare, Finance, Labour and Employment, Rural Development and Social Justice and Empowerment;

(d) five Members of Parliament of whom three shall be from the House of the People and two from the Council of States to be nominated by the respective Presiding officers of both the Houses;

(e) four members to be appointed by the Central Government from amongst the agricultural and other rural workers:

Provided that one such member shall be a woman.

(f) four members from amongst the agricultural and other rural workers to be nominated by the Government of the States which shall be rotated amongst the States in alphabetical order:

(5) The term of office, remuneration, honorarium and other perks of the Chairperson, Deputy Chairperson and members of the Authority shall be such as may be prescribed, from time to time.

(6) The Authority in discharging of its functions and procedure to be followed during the meetings shall be such, as may be prescribed.

(7) The Authority shall have a Secretariat with such number of officers and other staff with such terms and conditions of service as may be prescribed from time to time.

4. (1) The Authority shall, for the purpose of this Act, promote and undertake by such measures as it thinks fit or deem necessary and expedient, welfare measures so as to provide protection to agricultural and rural workers from exploitation. Functions of the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1) the measures referred to therein may provide for:—

(a) maintaining district and village-wise register of all the agricultural and other rural workers, gender-wise, with such particulars, and in such manner as may be prescribed;

(b) maintaining land records and micro and small industrial units at homes or other places from village to district level in such manner and with such details as may be prescribed;

(c) maintaining district and village-wise register of employers of agricultural and other rural workers, as the case may be, with such particulars and in such manner as may be prescribed;

(d) maintaining village and district-wise list of doctors, dispensaries, clinics, health centres and hospitals providing medicare facilities, both indoor and outdoor, with medicines to the agricultural and other rural workers;

(e) long term action plan for making work available throughout the year to the agricultural and other rural workers;

(f) payment of minimum wages fixed by the appropriate Government by each employer by setting up grievances redressal committees at conspicuous places;

(g) maternity and creche facilities with paid maternity leave and for making available necessary medicines, iron and multi-vitamin capsules for the female agricultural and other rural workers covered under this Act;

(h) financial compensation with paid leave in case of accidents of agricultural and other rural workers in such manner as may be prescribed;

(i) grant of old age pension to the agricultural and other rural workers covered under this Act;

(j) provident fund facility to the agricultural and other rural workers;

(k) educational and vocational training facilities to the children of agricultural and other rural workers free of cost;

(l) insurance cover for the agricultural and other rural workers covered under this Act for such works and in such manner as may be prescribed;

(m) regular supply of meals and nutrition for the children, old and incapacitated agricultural and other rural workers; and

(n) such other provisions as the Authority may deem necessary for carrying out the purposes of this Act.

Establishment  
of the  
Agricultural  
and other  
Rural Workers  
Welfare Fund.

**5.** (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish the Agricultural and other Rural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government by due appropriation made by Parliament by law in this behalf and Governments of the States shall contribute to the Welfare Fund to such extent and in such manner as may be prescribed.

(2) The Welfare Fund may also receive moneys from body corporates, financial institutions, both domestic and international ones, firms, partnerships, individuals and other bodies in the form of contributions or donations, as the case may be.

(3) The Welfare Fund shall be utilized for the welfare of agricultural and other rural workers covered under this Act in such manner and for such purposes as may be prescribed.

Miscellaneous  
provisions.

**6.** (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of every employer to:—

(a) engage only such workers who have registered themselves with the Authority;

(b) pay minimum wages to the workers engaged by him or such wages in cash or kind as may be voluntarily agreed to by such workers;

(c) not to deduct the wages in case of accident or illness or maternity stage of his workers;

(d) give rest and leave to his workers from time to time.

(2) The appropriate Government shall provide necessary assistance to the Authority in carrying out the provisions of this Act within the territorial Jurisdiction of such Government.

Central  
Government  
to provide  
fund.

**7.** The Central Government shall, after due appropriation made by Parliament by law made in this behalf, provide, from time to time the requisite funds to the States and Union territories and for expenditure of the Secretariat and other purposes of this Act.

Annual Report.

**8.** The Authority shall prepare and submit an Annual Report in such manner and in such form as may be prescribed, of its activities, achievements and shortfalls, if any, pertaining to the welfare and protection of agricultural and other rural workers covered under this Act to the President of India, who shall cause the Report to be laid in both Houses of Parliament along with action taken by the Central Government thereon after its receipt, as soon as may be, but within three months of the receipt thereof.

Penalty.

**9.** Notwithstanding anything contained in any other law for the time being in force, whoever contravenes any of the provisions of this Act shall be guilty of an offence and shall be punishable with simple imprisonment which may extend to six months and also with fine which may extend to four lakh rupees.

Act to have  
overriding  
effect and to  
supplement  
other laws.

**10.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to any matter dealt with by this Act.

Power to make  
rules.

**11.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Ours is an agriculture-based country and economy as around eighty per cent. of our population lives in rural areas and are involved in agriculture activity in one way or the other. The agriculture sector generates maximum employment opportunities in comparison to other sectors of economy. As a result, crores of agricultural workers in the country including women constitute a major chunk of this workforce. Similarly, there are village industries which also provide substantial employment opportunities in rural India. However, the agricultural and rural workers are still unorganised and, as a result, they remain exploited throughout their lives. It has been observed that in the organised sectors there are trade unions and associations to take care and protect the interests of their workers who get their genuine demands fulfilled by their employers and also get the welfare measures implemented but the unorganised agricultural and rural workers do not even get their reasonable and just demands fulfilled by their employers. They are denied minimum wages, provident fund, pension, maternity benefits, creche facility, medical care, accident insurance, rest, leave, etc. There is no guarantee of work round the year or for majority of days during the year. Policy of hire and fire is applied at the whims and fancy of the employers. As a result the agricultural and other rural workers remain exploited, poverty-stricken and indebted throughout their lives. When there is natural calamity, their living condition goes from bad to worse and they do not even get two square meals a day. It is a matter of serious concern that their condition is going from bad to worse and there is no legal protection for these hapless workers. Though the centre has initiated a legislation for unorganized workers but it does not cover most of the issues of the agricultural and other rural workers.

Ours is a welfare state and it is the sacred duty of the state to protect the poor agricultural and other rural workers by extending protective umbrella to them and initiating welfare measures for them so that they too get their share of the development of the nation.

Hence, this Bill.

NEW DELHI;  
4 July, 2022

RANJEETSINHA HINDURAO NAIK NIMBALKAR.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Agricultural and other Rural Workers Welfare Authority. It also provides for appointment of a Chairperson, a Deputy Chairperson and other member to the Authority. Clause 4 provides for the maintenance of district-wise register, etc. by the Authority. Clause 5 provides for the establishment of the Agricultural and other Rural Workers Welfare Fund with an initial corpus of ten thousand crore rupees to be provided by the Central Government and thereafter, the Central and State Governments will contribute to the Welfare Fund. Clause 7 makes it obligatory for the Central Government to provide funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees thirty thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 149 OF 2022

*A Bill to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river waters among the States and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Nationalisation of Inter-State Rivers Act, 2022.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the State Government or Union territory Administration, in case of a State or a Union Territory, as the case may be, and the

Central Government in all other cases;

(b) "Committee" means the Water Distribution Committee established under section 7;

(c) "inter-State river" means any river which has its source in one State and passes through two or more States including the States in which the river has its origin before it submerges into the sea and also includes lake, tank, rivulet, which has its source from a river which is an inter-State river; and

(d) "prescribed" means prescribed by rules made under this Act.

No State to have exclusive right over an inter-State river.

**3.** Notwithstanding anything contained in any other law for the time being in force, no State shall have exclusive right over an inter-State river or to its use.

Central Government to have right and control.

**4.** From the date of commencement of this Act, the Central Government shall have the exclusive right and control over all inter-State rivers.

State Governments to forward requirements of water/ electricity.

**5.** (1) Every State Government and Union territory Administration shall forward its requirements of water for all purposes including irrigation, drinking water and electricity to the Central Government.

(2) While forwarding its requirements, every State Government and Union territory Administration shall indicate the rivers, which are not inter-State rivers, and their status and any dam constructed within the State on any river, including an inter-State river, and its capacity for storage of water and electricity generated from those rivers.

(3) Every State Government and Union territory Administration shall also indicate the average rainfall in the State during the last three years in different seasons and the amount of rainfall during the current year.

Central Government to distribute inter-State rivers water.

**6.** (1) It shall be the duty of the Central Government to distribute river water of every inter-State river and Union territory within which such rivers pass through.

(2) While distributing river water, the Central Government shall take into consideration the following factors:—

(a) the population and area of each interested State and Union territory;

(b) the land available for farming in each State and Union territory;

(c) the requirements for drinking water and for, agricultural and other purposes in each State and Union territory;

(d) the length of inter-State river passing through each State and Union territory; and

(e) the requirements and availability of electricity in each State and Union territory.

Establishment of Water Distribution Committee.

**7.** (1) The Central Government shall, by notification in the official Gazette, establish a committee to be known as the Water Distribution Committee to advise and make recommendations to the Central Government about distribution and sharing of water of inter-State rivers to each State and UT and matters connected therewith.

(2) The Committee shall consist of,—

(i) a retired Judge of the Supreme Court-Chairperson;

(ii) Secretary, Ministry of Jal Shakti-Member;

(iii) Chairperson, Central Water Commission-Member;

(iv) two eminent persons having experience in water resource management;



(v) four Secretaries of Irrigation or PWD Department from the State Governments, to be nominated on rotational basis-Members;

to be appointed by the Central Government in such manner as may be prescribed.—

(3) The salary and allowances payable to and other terms and conditions of service of Chairperson and other members of the Committee shall be such as may be prescribed.

(4) The Ministry of Jal Shakti shall provide secretarial assistance to the Committee.

(5) The Committee while discharging its function shall follow such procedure and meet in such manner as may be prescribed.

**8.** (1) From the date of commencement of this Act, no appropriate Government shall construct any hydro-electrical plant or project on any inter-State river or based on it.

Central Government to construct hydro-electrical plants on inter-State rivers.

(2) The Central Government shall have the exclusive right and control to construct any power plant meant for power generation on any inter-State river and shall distribute electricity in such ratio, among the States and Union territory through which the inter-State rivers pass, as may be prescribed.

(3) The appropriate Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives from any hydro-electrical plant or project constructed on an inter-State river.

**9.** (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

There are many rivers big or small flowing through many States before they submerge into the nearest sea. Today half of the population of the country do not have access to potable water. Water is also not available for irrigation and other purposes. As a result, production of agricultural products has been considerably affected. It has been observed that many States through which a river flows, fight for considerable share of river water and try to deprive the just and due demand of other States. Consequently, many disputes are pending in Tribunals for settlement. It is a common knowledge that Tribunals take a long time before delivering judgement.

Water is a precious resource and calls for judicious management of the limited water resources. It is hightime that the country needs to rise above political, ideological and regional differences and also move away from a narrow project centric approach to a broader, holistic approach to issues of water management.

Therefore, it is proposed that only the Central Government shall have the exclusive right and control over all inter-State rivers and it shall distribute river water according to pre-determined formula for allocation of water, on the recommendations of Water Distribution Committee. It is proposed that the Central Government shall also have the exclusive right over electricity projects constructed on inter-State rivers. This measure will not only enable distribution of river water among the different States without affecting the interests of the concerned States but also enable proper utilisation of available resources.

Hence, this Bill.

NEW DELHI;  
4 July, 2022

RANJEETSINHA HINDURAO NAIK-NIMBALKAR.

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#### FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for establishment of Water Distribution Committee to advise and make recommendations to Central Government regarding distribution and sharing of water.

Clause 8 provides that the Central Government shall construct hydro electrical plants or projects on inter-State rivers. Though there is a provision that the appropriate Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives, yet expenditure will be incurred from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of above rupees three hundred crore is also likely to be involved

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 127 OF 2022

*A Bill to provide for a framework to enable the country to achieve its goal of eliminating single use plastic by the year 2022 and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Single-use Plastic (Regulation) Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires:

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "higher education institution" includes institutions imparting education on completion of senior secondary level;

(c) "plastic" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins or multimaterials like acrylonitrile butadiene styrene, polyethylene oxide, polycarbonate or polybutylene terephthalate;

(d) "plastic packaging" means all products which are—

(i) used for the containment, protection handling, delivery and presentation of goods; and

(ii) partly or wholly composed of plastic;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "recycle" means the reprocessing in a production process of the waste materials of a plastic product for the original purpose or for other purposes;

(g) "reuse" means any operation by which a plastic product, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived; and

(h) "single-use plastic" means any disposable plastic item which is designed to be used only once before it is thrown out or recycled and includes plastic forks and knives, plastic shopping bags, plastic coffee cups, lids, plastic water bottles, styrofoam, plastic take out containers and plastic straws.

**3.** The Central Government shall, within six months from the commencement of this Act,—

(a) prescribe a target of complete elimination of plastic waste in accordance with international obligations;

(b) specify the year 2022 target year to implement a complete ban on single-use plastic and the proportion of reduction of single-use plastic during each year following the date of fixing of target year 2022; and

(c) formulate and implement a National Plastic Control Policy for carrying out the purposes of this Act.

Plastic  
elimination  
target and  
control  
policy.

**4.** The appropriate Government shall take necessary measures to promote sustainable alternatives to single-use plastic including,—

(a) research by higher education institutions and others into sustainable alternatives to plastic packaging; and

(b) the use of sustainable alternatives to plastic packaging.

Promote  
sustainable  
alternatives to  
plastic.

**5.** The appropriate Government shall take measures to ensure—

(a) elimination of the production and use of plastics;

(b) increase in recycling, reuse and other forms of waste recovery in relation to plastics; and

(c) removing plastics already in the environment for the purpose of recycling, reusing or applying another form of waste recovery to the plastics.

Phasing out of  
existent  
plastic.

**6.** Notwithstanding anything contained in any other law for the time being in force, no person shall, after the target year 2022, use, stock, distribute, manufacture, sell or trade in any single-use plastic item.

Ban on single-  
use plastic  
items.

Penalty.

**7.** Whoever violates the provision of this Act shall be punished with a fine which shall not be less than rupees one lakh but which may extend upto five lakhs.

Central  
Government  
to provide  
requisite funds.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Power to  
make rules.

**9. (1)** The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

India generates close to 26000 tonnes of plastic a day. A little over 10000 tonnes of plastic waste remains uncollected and these uncollected waste eventually ends up in the natural environment in our seas and oceans piling up on our lands. By 2050 the amount of plastic in seas and oceans across the world will weigh more than all the marginal creatures. At less than 11 kg India's per capital plastic consumption is nearly a tenth of the United States, at 109 kg. Nearly one sixth of the plastic waste is generated by 60 cities and half of this comes from Delhi, Mumbai, Bengaluru, Chennai and Kolkata. The National Green Tribunal has also raped 25 cities in U.P. for not following its order on submitting a plan on how they would comply with the plastic waste management.

Plastic is highly non-biodegradable causing permanent damage to the environment by disrupting ecosystems. Single-use plastic can block waterways and exacerbate natural disasters. By clogging sewers and providing breeding grounds for mosquitoes and pests, plastic bags can increase the transmission of vector borne diseases like Malaria. Troubles with single-use plastic came to the fore during floods in various parts of the country on the source of pollution as addition to landfills is adversely impacting the already frail ecological balance. Heaps of plastic wastes were washed ashore highlighting the lack of awareness and infrastructure to effectively deal with the product.

Efforts to ban single-use plastic and promote sustainable alternatives to it can help in mitigating the ill-effects on human life and environment. India's commitment towards sustainable development can only be realized through concerted efforts to reduce pollution caused by plastic.

NEW DELHI;  
4 July, 2022

RANJEETSINHA HINDURAO NAIK-NIMBALKAR.

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for research by higher education institutions and other into sustainable alternatives to plastic packaging. Clause 5 provides that the appropriate Government shall take measures to recycling, reuse and other forms of waste recovery in relation to plastic. Clause 8 of the Bill provides that the Central Government shall provide requisite funds for carrying out the purpose of this Act. The Bill, therefore, if enacted will involve expenditure out of the Consolidated Fund of India and at this stage it is not possible to estimate that figures. No non-recurring expenditure is like to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only the delegation of legislature power is of a normal character.



## BILL NO. 153 OF 2022

*A Bill further to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2022. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 2016.

**2.** In section 86 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Amendment of section 86.

(a) in sub-section (1), for the words “More than seven years”, the words “three years and above” shall be substituted; and

(b) sub-section (7) shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

Child welfare is paramount to the growth of a country. However, the lives of our children are in a precarious state owing to the increasing risks and dangers posed to them in the form of trafficking, child labour, corporal punishment, sexual abuse and the like. It is also no hidden truth that the incidence of these harmful acts had seen a sharp rise during the COVID-19 humanitarian crisis with the closure of schools and restrictions in mobility increasing children's vulnerabilities to child labour, child marriage, trafficking and other forms of violence against children. The matter worsens, there is serious underreporting when it comes to such crimes considering that the victims are often in a vulnerable position to complain.

While the date of the commencement for the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 is yet to be finalized, the changes proposed by the Act has worrying implications. The 2021 Act seeks to amend section 86 of the Juvenile Justice (Care and Protection of Children) Act, 2015 so as to make the offences under the said Act which carry the punishment of more than three years, but less than seven years, a non-cognizable offence. As a result, offences having serious implications on the well-being of a child—such as cruelty to child by Child Care Institution staff; employment of child for begging; giving intoxicating liquor or narcotic drug or psychotropic substance to a child or using a child to vend, peddle, carry, supply or smuggle these; exploitation of child employee; sale and procurement of children for any purpose; and use of children by militant groups or other adults for legal or illegal purposes—have been made non-cognizable.

The aforesaid amendment will bar the Police to register the First Information Report (FIR) and commence the investigation without an order of the Magistrate. Furthermore, it shifts the balance in favour of those who commit crimes against children, and leaves the children even more vulnerable. This, in turn, would make access to legal justice even more difficult for children victims of crimes, overburden the local court, cause serious delays and weaken the case of prosecution.

Our children are the future of our country. We shall be derelict in our duty towards them if we fail to mend this gap in our laws.

The present Bill, therefore, seeks to amend the Juvenile Justice (Care and Protection of Children) Act, 2015 with a view to make all offences under Act, for which punishment is imprisonment of three years or above as a cognizable offence.

Hence, this Bill.

NEW DELHI;  
5 July, 2019

SHASHI THAROOR.

## BILL NO. 166 OF 2022

*A Bill further to amend the Environment (Protection) Act, 1986.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Environment (Protection) Amendment Act, 2022.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

29 of 1986.

**2.** After section 3 of the Environment (Protection) Act, 1986, following section shall be inserted, namely:—

Insertion of  
new section  
3A.

**"3A** (1) The Central Government shall, in consultation with the State Government of Kerala, by notification in the Official Gazette, declare such area as the Eco-sensitive Zones as it deems fit.

Declaration  
of Eco-  
Sensitive  
Zones in the  
State of  
Kerala.

(2) For the purposes of sub-section (1), the Central Government shall constitute a Committee hereafter referred to as the State of Kerala Eco-Sensitive Zone Identification Committee consisting of,—

- |     |   |                                  |
|-----|---|----------------------------------|
| (a) | Chief Minister, State of Kerala.  | Chairperson, <i>ex-officio</i> ; |
| (b) | five Members of Parliament of the House of the People to be nominated by the Speaker.                                       | Members, <i>ex-officio</i> ;     |
| (c) | Secretary, Union Ministry of Environment, Forest and Climate Change.  | Member;                          |
| (d) | Chief Secretary, State of Kerala.   | Member, Secretary;               |
| (e) | ten Members of State Legislative Assembly of the State of Kerala, to be nominated by the State Government of Kerala.        | Members, <i>ex-officio</i> ;     |
| (f) | Such number of representatives of Local self-Government to be nominated by the State Government of Kerala.                  | Member, <i>ex-officio</i> ;      |
| (g) | Chief Wildlife warden.  | Member, <i>ex-officio</i> ;      |
| (h) | three experts from the fields of environment to be nominated by the Central Government in such manner as may be prescribed. | Members.                         |

(3) The Central Government shall appoint such number of officers and staff to the Committee as it deem fit for carrying out the purposes of this Act.

(4) The salary and allowances payable to and other terms and conditions of services of the members other than *ex-officio* and officers and staff of the Committee shall be such as may be prescribed."

## STATEMENT OF OBJECTS AND REASONS

Recently Honorable Supreme Court of India has fixed up one kilometer Eco-Sensitive Zone mandatory for all protected areas of India. In the same verdict the Hon'ble Court has put the onus on the Union Government saying that this ruling shall not be uniformly applicable across India. Forests, being a subject where State has equal role as centre, different States have different set of norms regarding its regulations. In the State of Kerala which is gifted with a large forest cover the population density is quite high when compared to other State. Kerala has no history of destroying its natural forest. It is also a State which respects the forest cover. Environmental activism in the State of Kerala has even lead to situations where even Government projects which destroys the nature has to be discarded.

Under this recent verdict of Honorable Supreme Court it has been estimated that 2.5 lakh hectares of land will be under Eco-Sensitive Zone. This will put the livelihoods of over one lakh families in danger. Hence respecting the verdict of Honorable Supreme Court of India a special committee called Eco-Sensitive Zone Identification Committee is required to be constituted under the chairpersonship of the Chief Minister of the State of Kerala to decide upon the Eco-Sensitive zones taking in views of inhabitant population.

The Bill, therefore, seeks to amend the Environment (Protection) Act, 1986 with a view to constitute a State of Kerala Eco-Sensitive Zone Identification Committee to identify and declare Eco-Sensitive Zones in the State.

Hence, this Bill.

NEW DELHI;  
1 July, 2022

M.K. RAGHAVAN.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill vide proposed section 3A provides for the constitution of a State of Kerala Eco-Sensitive Zone Identification Committee. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of about rupees twenty lakh would be incurred per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten lakh is also likely to be involved.

**BILL NO. 151 OF 2022**

*A Bill to provide for economic, diplomatic and political sanctions against the countries which engage in forceful incursions into Indian territory and for matters connected therewith or incidental thereto.*

WHEREAS India gives highest regard and mutual respect for other countries territorial integrity and sovereignty;

AND WHEREAS India follows a principle of mutual non-aggression;

AND WHEREAS India believes in equality and cooperation with other countries for mutual benefit;

AND WHEREAS India has resolved to solve all its issues through peaceful bilateral negotiations;

AND WHEREAS India champions in peaceful co-existence;

AND WHEREAS India believes in the principle of non-interference in the domestic affairs of other countries and strictly follows the principles as enshrined under Article 2(4) of the United Nations Charter;

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title  
and  
commencement.

**1.** (1) This Act may be called the Sanctions on Countries Engaging Territorial Incursions into India Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, specify.

Definitions.

**2.** In this Act, unless the context otherwise requires:—

(a) "aggressor" means the foreign nation which tries to defy International law to forcefully occupy India's territorial region by an act of aggression and territorial incursion;

(b) "diplomatic sanctions" means withdrawal of diplomatic relations with those foreign nations which entered into territorial aggression with India including boycott of diplomatic events, multilateral programmes being organized in that nation;

(c) "economic sanction" means withdrawal of customary trade and financial relations for foreign and security policy purposes with those foreign nations which enters into territorial aggression with India;

(d) "Indian territory" means all those regions as specified under article 1 of the Constitution; and

(e) "territorial incursions" means the use of defence force by a foreign nation against the sovereignty, territorial integrity or political independence of India.

Sanctions on a  
country which  
engages in  
territorial  
incursion into  
India.

**3.** (1) From the date of enactment of this Act, if any foreign nation engages in an act of territorial incursion into India or attempts to directly or indirectly promote secession movements in India creating internal disturbances to the peace and harmony of India, that nation shall be put under economic, diplomatic and political sanctions as mentioned under section 4.

(2) For the purpose of sub-section (1), the Cabinet Committee on Security shall analyze the severity of the threat emanating from territorial incursion from a foreign nation and shall recommend for the sanctions to be imposed on that nation.

(3) The order containing sanctions shall be signed by the President at the recommendations of the Cabinet Committee on Security.

(4) The order under sub-section (3) shall lie in force as long as the aggressor maintain status quo ante.

Mode and  
Nature of  
Sanctions.

**4.** (1) The President shall on the recommendations of the Cabinet Committee on Security impose three types of sanctions on a foreign nation engaging in an act of territorial incursion into India namely:—

(a) economic sanctions including:—

(i) stoppage of all trade relations with that nation;

(ii) all goods which have the aggressor as "country of origin" shall not be allowed to enter into any port of India;

(iii) banning of Indian firms from importing goods of the aggressor;

(iv) total boycott of the aggressor from the cyberspace including banning of various application softwares and electronic communications if the aggression is of cyber in nature;



(b) diplomatic sanctions including:—

(i) boycott of all events being organized by the aggressor nation;

(ii) calling of the aggressor's diplomatic representatives for an explanation immediately following the event of aggression:

Provided that if the explanation is not found satisfactory the Central Government may seize diplomatic relations with the aggressor nation; and

(c) political sanctions including:—

(i) disengagement in any political dialogues with the aggressor unless the aggressor restores status quo ante; and

(ii) restricting political representatives from engaging into any conversations with Indian representatives until status quo ante is strictly maintained.

**5.** For the purpose of this Act, the following countries may be sanctioned under this Act,—

Countries which may be sanctioned under this Act.

(a) countries which directly engage in territorial aggression into India;

(b) countries which support the aggressor directly or indirectly; and

(c) countries which attempts to destabilize Indian democracy including democratic institutions using cyber warfare.

**6.** No importer in India shall be allowed to import any goods or services from the sanctioned nation under this Act:

Restrictions on imports.

Provided that if any importer imports any goods or services from the sanctioned nation his import license may be revoked and he may also be liable to such penalties as may be decided by the Central Government, from time to time.

**7.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

## STATEMENT OF OBJECTS AND REASONS

Over the past few years several countries bordering us have tried to impose their military might on our country in the form of various aggressions. These countries have started commenting upon our internal security matters. Government of India has been giving befitting reply to such aggressions and comments on our internal and external security. A need was felt for a legislation required to impose restrictions on those countries that tries to destabilize our country's democracy.

Our country should cut all relations with those countries that displays such aggression on our borders. Economic, political and diplomatic sanctions once imposed will bring those countries to negotiating tables. India always respects territorial sovereignty and the resolution of disputes through peaceful means. However, we cannot have economic, political and diplomatic relations with such countries which on the one hand engages in territorial aggression and on the other tries to dump their products in our economy. Hence sanctions at various levels will help us fight war without weapons enabling us to achieve status quo ante at the shortest possible time.

Hence, this Bill.

NEW DELHI;  
1 July, 2022

M.K. RAGHAVAN.

## BILL NO. 165 OF 2022

*A Bill further to amend the All India Institute of Medical Sciences Act, 1956.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the All India Institute of Medical Sciences Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

25 of 1956.

2. After section 3 of the All India Institute of Medical Sciences Act, 1956, the following

Insertion of new  
section 3A.

"3A. (1) There shall be established an All India Institute of Medical Sciences at Kozhikode in the State of Kerala which shall be a body corporate, to be known as the All India Institute of Medical Sciences, Kozhikode.

Establishment  
of All India  
Institute of  
Medical  
Sciences at  
Kozhikode in  
the State of  
Kerala.

(2) The provision of this Act shall apply mutatis mutandis to the All India Institute of Medical Sciences, Kozhikode established under sub-section (1)."

## STATEMENT OF OBJECTS AND REASONS

The State of Kerala has been demanding for establishment of an All India Institute of Medical Sciences at Kozhikode. The land has been identified and allocated for the purpose at Kinalur at Kozhikode district. Kerala is a State which has over the years invested heavily on health of its people. We have built one of the nation's best health infrastructures in our State. However, in recent years the number of communicable and lifestyle diseases in the State are on the rise due to rapid transit of our population and heavy population density. Day-by-day our country is witnessing new disease. The State needs a central institute like All India Institute of Medical Sciences to combat emerging challenges in healthcare sector. This will enable the State to ensure that the health of its citizens are always protected. India must slowly and steadily increase its health expenditure as part of GDP to nearly 4 percent.

The Bill, therefore, seeks to amend the All India Institute of Medical Sciences Act, 1956 with a view to establish an All India Institute of Medical Sciences at Kozhikode in the State of Kerala.

Hence, this Bill.

NEW DELHI;  
1 July, 2022

M.K. RAGHAVAN.

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FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of an All India Institute of Medical Sciences at Kozhikode in the State of Kerala. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of about rupees one hundred crore would be incurred per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand and five hundred crore is likely to be involved.

## BILL No. 189 OF 2022

*A Bill to provide for the rehabilitation and financial assistance to the victims of natural calamities and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Act, 2022.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "Commissioner" means the Commissioner appointed under section 3;

(b) "natural calamity" includes drought, flood, cyclone, hailstorm, cloud burst, tsunami, landslide or earthquake or such other conditions as may be notified by the appropriate Government from time to time;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "victim of natural calamity" means a person who suffers physical bodily harm or whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to natural calamity and includes, in the case of death of such victim due to natural calamity, his family members.

Appointment of Commissioner for providing financial assistance and other benefits to victims of natural calamity.

3. (1) The Central Government shall, in consultation with the State Governments appoint a Commissioner in such manner as may be prescribed for providing financial assistance and other benefits to the victims of natural calamities.

(2) The Commissioner appointed under sub-section (1) shall be provided with such staff as may be necessary for efficient discharge of his duties under this Act.

(3) It shall be the duty of the Commissioner to ensure provision of food, adequate shelter and financial assistance to the victims of natural calamity in such manner as may be prescribed.

(4) The financial assistance to the victims of natural calamity shall be disbursed as early as possible but not later than three months from the occurrence of the natural calamity.

Financial assistance and other benefits to the victims of natural calamity.

4. (1) A claim for receiving financial assistance shall be made in the prescribed form by the victims of natural calamity to the Commissioner, who shall disburse the financial assistance to the victims, after making such inquiry and in such manner, as may be prescribed.

(2) The victim of natural calamity shall be provided with the following financial assistance and other benefits:—

(a) in case of loss of life,—

(i) financial assistance in the form of a compensation of not less than ten lakh rupees (tax free) shall be given to the next of the kin of the deceased; and

(ii) suitable employment shall be provided to one of the dependants of the deceased;

(b) in case of severe injury,—

(i) medical treatment free of cost; and

(ii) such financial assistance as, in the opinion of the Commissioner, is necessary for his rehabilitation, subject to a minimum amount of rupees two lakh and maximum amount of rupees five lakh;

(c) in case of damage to the dwelling unit, victim shall be provided with such financial assistance as is required for the repair or reconstruction of the damaged dwelling unit;

(d) in case of irreparable damage to the cultivable land, victim shall be provided with cultivable land of equal area at a reasonable distance from the place of his residence;

(e) in case of damage to the standing crops, victim shall be given compensation in proportion to the losses suffered by him; and

(f) in case of loss of livestock, victim shall be given adequate financial assistance in proportion to the losses suffered by him.

Savings.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to remove difficulties.

6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or

expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

**7.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Our country is prone to various natural calamities such as tsunami, floods, droughts, storms, hailstorms, cyclones, landslides and earthquakes, which cause extensive damage to life and property. Floods are frequently occurring in the States of Tamil Nadu, Kerala, Andhra Pradesh, Orissa, Assam, West Bengal, Maharashtra and other parts of the country. Droughts are also very common and frequent throughout the country. Tsunami and cyclones cause havoc in the coastal areas whereas storms and hailstorms cause heavy loss of life and property in hilly areas as well as in the nearby plain areas. Now frequent earthquakes have also been causing concern among the people of various regions. The terrible havoc and huge loss of lives, damages to the public and properties caused by the tsunami in the year 2004 in southern States of the country, Tamil Nadu in particular is still in our memory. We have also not forgotten the extensive damage caused by earthquakes in the States of Uttar Pradesh, Maharashtra and Gujarat in the year 1991, 1993 and 2001, respectively. Whenever a natural calamity happens, the nation has to divest its resources towards rescue and rehabilitation processes and on repairs and construction of the roads, bridges, fields, buildings, etc. which put a heavy burden on the exchequer. Fortunately, the entire nation rises to face such calamities but the loss caused thereby can never be recovered by any means.

Of course, the occurrence of natural calamities cannot be stopped but certainly with our combined efforts we can minimise the miseries of the victims of such natural calamities by providing them with timely financial relief and extending the rehabilitation programmes to them. The Central Government has to play the pivotal role in this process, as the State Governments are dependent on Centre to be well equipped to deal with any natural calamities and to provide relief to the victims. Sometimes, delay is caused in rushing relief to the victims due to procedural wrangles. Hence, it is felt that a suitable legislation be enacted to set up a mechanism to help the victims of natural calamities instantly. The Bill seeks to provide for rehabilitation and financial assistance to the victims of natural calamities instantly in case of occurrence of any such calamity in the country.

Hence, this Bill.

NEW DELHI;  
23 November, 2021

D.M. KATHIR ANAND.

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PRESIDENT'S RECOMMENDATIONS UNDER ARTICLES 117(1) AND 117(3) OF THE CONSTITUTION

[Copy of letter No. H-11018/1/2021-DM-I dated 5 August, 2022 from Shri Nityanand Rai, Minister of State in the Ministry of Home Affairs to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Bill, 2022 Shri D.M. Kathir Anand, Member of Parliament, has recommended the introduction and consideration of the Bill in the House under clauses (1) and (3) of article 117 of the constitution, respectively.



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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of a commissioner for providing financial assistance and rehabilitation measures to the victims of natural calamities. Clause 4 provides for financial assistance of rupees ten lakhs to the next of kin of a person who dies in any natural calamity and medical treatment for injured persons and other welfare measures for the victims of natural calamities. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact estimate of the actual expenditure to be involved to meet any unpredictable eventuality. However, it is estimated that recurring expenditure of rupees ten thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees five hundred crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 201 OF 2022

*A Bill further to amend the Food Safety and Standards Act, 2006.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title, and  
commencement.

**1.** (1) This Act may be called as the Food Safety and Standards (Amendment) Act, 2022.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of  
section 3.

**2.** In section 3 of the Food Safety and Standards Act, 2006 (hereinafter referred to as the principal Act),—

(a) after clause (b), the following clause shall be inserted, namely:—

"(ba) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;"

(b) after clause (c) the following clause shall be inserted, namely:—

"(ca) "child" means a boy or a girl who has not attained the age of eighteen years;"

(c) after clause (g), the following clause shall be inserted, namely:—

"(ga) "Council" means the Nutrition Council constituted under section 17A;"

and

(d) after clause (h), the following clause shall be inserted, namely:—

"(ha) "educational institution" includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority; or

(ii) a school receiving aid or grants from the appropriate Government or the local authority to meet whole or part of its expenses; or

(iii) a school belonging to specified category; or

(iv) an unaided school not receiving any kind of aid or grants to meet its expenditure; or

(v) an educational institution managed by a private entity, society or a trust, which imparts elementary education;"

3. After Chapter II of the principal Act, the following Chapter and sections thereunder shall be inserted, namely:—

Insertion of new Chapter IIA.

#### "CHAPTER IIA NUTRITION COUNCIL

17A. The Central Government shall, by notification in the official gazette, establish a Council to be known as the Nutrition Council to regulate sale and advertising of food products which cause obesity amongst children.

Establishment of Nutrition Council.

17B. The Council shall consist of—

Composition of Nutrition Council.

(a) the Union Minister of Health and Family Welfare, Chairperson, *ex-officio*;

(b) not more than three members having expertise in medicine with at least fifteen years of experience in handling issues related to nutrition and child health;

(c) one expert each in the field of labelling and claims, advertisement, food additives, processing aids; and

(d) one member from the Union Ministry of Women and Child Development not below the rank of Joint Secretary—

17C. The Council shall—

Functions of the Council.

(a) lay down policies and principles to regulate sale and advertising of food products cause obesity amongst children;

(b) determine its procedure in the performance of its functions;

(c) admit any complaints regarding non-implementation of its policies; and

(d) initiate action for violating provisions of this Chapter.

17D. The Central Government shall provide such number of officers and other employees to the Council as may be necessary for efficient discharge of its functions.

Central Government to provide Officers and employees.

Labelling of food products by the Council

17E. All food products containing high sugar, calories, sodium, saturated fat or any other ingredient present in food products beyond limits stipulated and detrimental to health of children shall bear label warning about the presence of excess ingredient in black bold letters.

Prohibition of sale of labelled food products near educational institution.

17F. All food products labelled under section 17E shall not be sold within a radius of one kilometer of educational institution.

Prohibition on advertising of labelled food products.

17G. All food products labelled under section 17E shall not be advertised in print, television or any other form targeting children below the age of eighteen years.

Punishment for sale of labelled food products.

17H. Whoever sells a labelled food product in contravention of the provisions of this Chapter shall be punished with imprisonment for a term which may extend upto three years and fine which may extend upto rupees ten lakhs.

Punishment for advertisement of labelled food product.

17I. Whoever advertises a labelled food product in contravention of provisions of this Chapter shall be punished with imprisonment for a term which may extend upto two years and fine which may extend upto rupees five lakhs."

## STATEMENT OF OBJECTS AND REASONS

Increasing exposure to variety of fast foods has led to rise in consumption of food products which are largely detrimental to the health of the persons. While adults can recognise the harmful effects the targeted advertising of such unhealthy food products towards younger population has led to poor lifestyle standards amongst youth. The need is to regulate the sale and advertising of such food products so as to save children from their harmful effects.

Childhood obesity is a major challenge in the battle against rising rate of non-communicable diseases in India. While India is already facing challenges in providing affordable healthcare access to its citizens, the effects of poor lifestyle habits among its urban citizens adds further burden on the country's resources. The establishment of Nutrition Council under the Union Ministry of Health and Family Welfare with adequate representation of professionals will be vital in regulating use of ingredients resulting in obesity. A warning label on food products having more than permissible limit of certain ingredients would caution the consumers about their ill-effects.

It is also necessary to place restriction on advertisement of food products which cause obesity and sale of such food products near educational institutions. The Bill, accordingly, seeks to amend the Food Safety and Standards Act, 2006 with a view to reduce consumption of unhealthy food products by children.

NEW DELHI;  
6 July, 2022

D.M. KATHIR ANAND.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to constitute a Nutrition Council to regulate the sale and advertising of food products which cause obesity amongst children. It also provides for appointments of experts, officers and employees to the Nutrition Council. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## BILL NO. 191 OF 2022

*A Bill to amend the Micro, Small and Medium Enterprises Development Act, 2006.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Micro, Small and Medium Enterprises Development (Amendment) Act, 2022. Short title, and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

27 of 2006.

2. In the Micro, Small and Medium Enterprises Development Act, 2006, after section 10, the following sections shall be inserted, namely:— Insertion of new sections 10A and 10B.

"10A. (1) Every scheduled commercial bank shall lend to the micro, small and medium enterprises at the rate of one per cent. plus the rate of fixed deposit of such banks. Lending rate and limit for lending of collateral free loans.

(2) Every micro, small or medium enterprise shall be entitled to collateral free loan of upto rupees two crore from scheduled commercial banks.

Incentives to  
increase the  
inflow of  
equity capital.

10B. The Central Government shall, from time to time, notify suitable incentives to increase the inflow of equity capital in micro, small and medium enterprises.".



## STATEMENT OF OBJECTS AND REASONS

The Micro, Small and Medium Enterprises Development Act, 2006 aims to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises in the country. The said Act, as well as the guidelines issued by the Reserve Bank of India in its circular dated 1st July, 2011 and the recommendations of various committees and task groups have brought about considerable positive changes in various areas of development of competitiveness of Micro, Small and Medium Enterprises (MSMEs).

However, the MSMEs, that contribute to nine per cent of the country's Gross Domestic Product (GDP), forty-five per cent of the manufactured output, forty per cent of our exports and that employs an estimated ten million people, continue to face serious bottlenecks in its development. Lack of access to adequate and timely credit at a reasonable cost is the most critical problems faced by this sector. Hence, there is an urgent need to make it mandatory by law for scheduled commercial banks to provide affordable lending rates to MSMEs.

The Bill, hence, aims to ensure lowest lending rates to MSMEs, fixed at one per cent. plus the rate of interest for fixed deposits of the scheduled commercial banks in the country. This would ensure more credit flow to the MSME sector, without hurting commercial banks, as they will continue to have freedom to fix lending rates to other sectors or units. The Bill also aims to make it mandatory for scheduled commercial banks to offer MSMEs, collateral free loans, up to rupees two crore. These two key changes in the principal Act would revive MSMEs through increased credit flow.

Hence, this Bill.

NEW DELHI;  
6 July, 2022

D.M. KATHIR ANAND.

## BILL NO. 212 OF 2022

*A Bill further to amend the Representation of the People Act, 1951.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and  
commencement

**1.** (1) This Act may be called the Representation of the People (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 58.

**2.** In section 58 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act),—

(a) in sub-section (1), clause (aa) shall be omitted; and

(b) in sub-section (2), in clause (b), the words " the mechanical failure of the voting machine or" shall be omitted.

Omission of  
section 61A.

**3.** Section 61A of the principal Act shall be omitted.

4. In section 135A of the principal Act, in sub-section (1), in the Explanation,—

(a) in para (a), the words "or voting machines" shall be omitted; and

(b) in para (d), the words "or voting machines" shall be omitted.

Amendment  
of section  
135A.

5. In section 169 of the principal Act, in sub-section (2),—

(a) clause (ee) shall be omitted;

(b) clause (gg) shall be omitted; and

(c) in clause (h), the words "voting machines," shall be omitted.

Amendment  
of section  
169.

## STATEMENT OF OBJECTS AND REASONS

Free and fair elections are vital for the democratic values of any nation. It includes fair, accurate and transparent election process that can be independently verified. The traditional voting system accomplishes many of these goals. Electronic Voting Machine (EVM) are prone to errors and several countries in the world have stopped using EVMs as doubts have been raised about its veracity. Electronic Voting Machines should be replaced with traditional ballot papers in our country also. Voting through ballot papers is a more reliable and transparent method for the election process of any country. EVMs can be tampered with during manufacturing process itself and in such cases there is no need for any hacker or rigger to tamper with the actual voting. No machine in the world is hundred percent free from errors. Questions about the reliability of Electronic Voting Machines have been continuously raised.

Therefore, voting machines should be replaced with more reliable system of vote through ballot papers so that free and fair elections are conducted in the country and the public's faith in the democracy remains intact.

Hence, this Bill.

NEW DELHI;  
11 August, 2022

KUNWAR DANISH ALI.

## BILL NO. 128 OF 2021

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2021.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of  
the Seventh  
Schedule.

2. In the Seventh Schedule to the Constitution—

(a) In List II-State List, in entry 33, the word "sports" shall be omitted;

(b) In List III-Concurrent List, after entry 47, the following entry shall be inserted, namely:—

"48. Sports."

## STATEMENT OF OBJECTS AND REASONS

Sports has become a multi-faceted activity not just in India, but around the world. Eventhough sporting activities continue to provide entertainment for masses, the sports industry has developed in to a professional stream separate from other art forms and sources of entertainment. Today, there are various complex issues of international and national importance which converge on the subject matter of Sports. This warrants a shift of the entry relating to sports from the State List to Concurrent List of the Seventh Schedule. This would further enable the Central Government to legislate on matter of international and national importance relating to sports in co-ordination and co-operation with State Governments.

The Bill, therefore, seeks to amend the Seventh Schedule to the Constitution with a view to omit the word 'sports' from entry 33 of List II-State List and insert a new entry relating to 'sports' in List III-Concurrent List so that Central Government can also play its due role in the field of sports.

Hence, this Bill.

NEW DELHI;  
22 February, 2021

JAGDAMBIKA PAL.

## BILL NO. 96 OF 2021

*A Bill further to amend Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007.*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Amendment Act, 2021. Short title and commencement.

(2) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

**2.** In section 3 of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 3.

11 of 2007.

"(1) No content rights owner or holder and no television or radio broadcasting service provider shall carry a live television broadcasting on any cable or Direct-to-Home network or Internet Protocol Television (IPTV) or terrestrial network or radio commentary broadcast in India of sporting events of national importance unless,—

(i) it simultaneously shares the live broadcasting signal, without its advertisements, with the Prasar Bharati to enable them to re-transmit the same on its terrestrial networks and Direct-to-Home networks; and

(ii) it shares the transmission of the broadcasting channel on free to air basis with all cable, direct-to-home networks and networks and terrestrial networks, notwithstanding anything contained in any law for the time being in force, in such manner and on such terms and conditions as may be specified."



## STATEMENT OF OBJECTS AND REASONS

The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 was enacted by the Parliament with an objective to provide access to the largest number of listeners and viewers, on a free to air basis, of sporting events of national importance through mandatory sharing of sports broadcasting signals with Prasar Bharati, through Doordarshan channels. Sporting events of national importance contribute towards building national character and adds to common culture and identity of the country.

As per provisions of the above Act, the live feed received by Prasar Bharati from the content rights owners or holders is only for the purpose of re-transmission of the said signals on Doordarshan's own Terrestrial and DTH network (DD FreeDish) and not for Cable Operators/other networks. As such, the viewers, who do not have DD Free Dish or Doordarshan's terrestrial network, are either unable to watch these sporting events of national importance or are compelled to watch these sporting events on highly priced sports channel and thus, the very objective with which the Parliament had enacted the Act has been defeated.

It is recognized that the sports industry's major revenue accrues from sale of sports broadcasting rights and sports broadcasters should not be discouraged from investing in sports media rights. On the other hand, it is equally important to ensure that sporting events of national importance can be easily and freely accessed by vast majorities of people of the country.

Keeping both of these necessary conditions in view, the need is to provide a balance to further the interests of the public at large as well as the sports broadcasters by mandating the sharing of broadcasting signals of sports events of national importance by television and radio broadcasting service providers with all cable, Direct-to-Home networks and terrestrial networks.

At present, sub-section (1) of section 3 provides that the live broadcast on such cable or Direct-to-Home or radion commentary broadcasting of sporting events of national importance shall not be carried by any content rights owner or service provider unless it mandatorily shares broadcasting signal with the Prasar Bharati. The Bill seeks to amend this sub-section with a view to provide that the live broadcast shall not be carried on Internet Protocol Television (IPTV) or terrestrial network/other networks also with mandatory sharing of broadcasting signal with Prasar Bharati. The amendment also puts a restriction on carrying live television Broadcast by the content rights owner or service provider with mandatorily sharing the broadcast channel of sporting events of national importance on free to air basis with all cable, Direct-to-Home networks and terrestrial networks.

Hence, this Bill.

NEW DELHI;  
23 February, 2021.

JAGDAMBIKA PAL.

## BILL No. 194 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title  
and  
commencement.

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of  
article 348.

**2.** In article 348 of the Constitution,—

(i) in clause (1), for sub-clause (a), the following sub-clause shall be substituted, namely:—

“(a) all proceedings in the Supreme Court and in every High Court shall be in English or Hindi language;”

(ii) in clause (2), the words “the Hindi language, of” shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

In the Indian legal system, many provisions have been made under the Constitution of India, so that everyone can get justice equitably. After independence our constitutional experts had made the Constitution bilingual which was written both in Hindi and English languages.

According to the 2011 census, Hindi is the mother tongue of 43.63 per cent, people of India, which is 52 crore and 83 lakh approximately in number and 57.05 per cent, people have knowledge of Hindi language. In the 50th report of the Commissioner for Linguistic Minorities in India, 11 States and Union Territories (Bihar, Chhatisgarh, Haryana, Himachal Pradesh, Jharkhand, Madhya Pradesh, Rajasthan, Uttar Pradesh, Uttarakhand and Union territories of Chandigarh and Delhi) have been identified as having majority of Hindi speaking people. The official language of these States is Hindi. Provisions have also been made in both the Houses of Parliament so that honourable Members may express their views in the languages specified in the English Schedule to the Constitution.

However, all the verdicts of our Supreme Court are in English language only. The justice that a common citizen expects from the court is not understood by almost half of the population due to verdicts being in the English language only.

Hindi in Devanagari script has been recognised as official language of the Union under article 343(1) of the Constitution. But in the judicial process, the official language Hindi is used only in the district courts of some States and to some extent in the High Court of some States, namely, Rajasthan, Uttar Pradesh, Madhya Pradesh and Bihar. There is no provision in the Constitution regarding use of official language Hindi in the Supreme Court which proves to be a kind of linguistic barrier in the journey from the District Court to the Supreme Court.

Under section 363 of the Code of Criminal Procedure, 1973, a copy of the judgment is provided to the accused free of cost but the majority of the population of India is unable to understand the judgment as it is given in English language only. According to the official data, only about 10 per cent, of the people have knowledge of English language.

Under some special provisions mentioned in the Indian legal system, a person can arrange his or her case without a lawyer. However, due to the fact that the language of the High Courts and the Supreme Court as per article 348(1) is English only, people have to face linguistic barriers during their legal journey from district Courts to High Courts and the supreme Court.

According to the recommendations made in Volume 5, 6 and 7 of the Report of the Parliamentary Committee on Official Languages,—

(1) The Office of the Registrar General of the Supreme Court is also an office of the Central Government under rule 2(a) of the Official Language Rule, 1976. Therefore, the Office of the Registrar General of the Supreme Court should also comply with the rules made under the Official Languages Act, 1963.

(2) The use of Hindi alongwith English should be authorized in the Supreme Court as there is the practice of publishing judgments in English and French languages in the International Court of Justice.

(3) Article 348 of the Constitution should be amended so that the legislative department can do the drafting work in Hindi.

The use of Hindi language in the Supreme Court is a step like giving proper justice to all, which is in line with the basic spirit of the Government's philosophy of governance—*"Sabka Saath, Sabka Vikas, Sabka Vishwas."*

Adoption of Hindi as a second optional language in the High Courts and the Supreme Court shall be a meaningful step towards making the judicial process casier for the general public.

Through this amendment, there will be an option to work in Hindi along with English in the High Courts and the Supreme Court so that the resolution of giving equal and fair justice to all, as enshrined in the Preamble to the Constitution, which the Parliament of India, the Government and the Judiciary are trying to realize, may be fulfilled.

Hence, this Bill.

NEW DELHI;  
9 March, 2022

JAGDAMBIKAPAL.

## BILL NO. 267 OF 2019

*A Bill to provide for social security and welfare measures for artists and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Artists (Social Security) Act, 2019.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the Context otherwise requires,—

Definitions.

(a) "artist" means a person who through his creative skill performs any activity concerned with the production, exhibition of imaginative designs, videos, sounds, actions or ideas including a person engaged in cinema industry either as an actor, dancer, singer, producer, photographer, editor or distributor of films or a group of

persons who exhibit their skills in unison to produce or exhibit such designs, videos, sounds, action or idea but does not include a person who works under any State Government or the Central Government or in any Public Sector Undertaking under the control of the Central Government or a State Government;

(b) "Board" means the National Artists Security Advisory Board constituted under section 4;

(c) "cinema" means a feature film or a documentary or a short film;

(d) "Fund" means the National Artists Welfare Fund constituted under section 6; and

(e) "prescribed" means prescribed by rules made under this Act.

Framing of welfare schemes for artists by the Central Government.

**3.** The Central Government may formulate, from time to time, suitable welfare schemes for artists on the matters relating to—

(a) insurance covering life and disability;

(b) health and maternity benefits;

(c) provident fund; and

(d) old age protection.

Constitution of the National Artists Social Security Advisory Board.

**4. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the National Artists Social Security Advisory Board to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

(2) The Board shall consist of the following, namely:—

(a) a Chairperson to be appointed by the Central Government;

(b) two eminent artists to be nominated as members by the Central Government; and

(c) the Secretary to the Government of India in-charge of the Ministry of Culture shall be the *ex-officio* member-Secretary to the Board.

(3) The salary and allowances payable to and other terms and conditions of service of the Chairperson and members of the Board shall be such as may be prescribed.

(4) The Central Government shall make available to the Board such number of officers and staff as may be required for efficient functioning of the Board.

Functions of the Board.

**5.** The Board shall,—

(a) make recommendations to the Central Government to formulate and implement suitable schemes for the welfare of artists;

(b) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;

(c) advise the Central Government regarding administration of the Fund; and

(d) undertake such other functions as may be assigned to it by the Central Government from time to time.

Constitution of National Artists Welfare Fund.

**6.** The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Artists Welfare Fund for carrying out the purposes of this Act.

Central Government to grant funds.

**7.** The Central Government may, after due appropriation made by Parliament by law in this behalf, credit such sums of money to the Fund as it may think fit for being utilized for the purposes of this Act.

**8.** The Fund shall be utilized to provide financial assistance to the artists for the following purposes:—

Utilization of Fund.

- (a) compensation in case of death or accident;
- (b) old age pension;
- (c) disability assistance;
- (d) free health care facility to the artists and their family members; and
- (e) subsidized housing facilities.

**9.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

**10. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

India is a welfare State and it is the duty of the State to ensure that all sections of the society are covered by a State sponsored social security network. On account of their unorganized nature of profession artists do not get adequate social security. There is practically no welfare scheme for their benefit. There is an urgent need to enact a legislation to provide for social security and welfare of the artists so that they can live a life of comfort and dignity.

The present Bill provides for:—

(a) empowering the Central Government to formulate welfare schemes for the artists;

(b) constitution of a Board to be known as the National Artists Social Security Advisory Board to recommend the Government to formulate and implement suitable schemes for welfare of artists; and

(c) constitution of a Welfare fund to be known as National Artists Welfare Fund; in order to provide social security to the artists in the country.

Hence, this Bill.

NEW DELHI;  
23 October, 2019.

RAVI KISHAN.



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FINANCIAL MEMORANDUM

Clause 4 provides for constitution of the National Artists' Social Security Advisory Board. Clause 6 provides for constitution of a Fund to be known as a National Artists Welfare Fund by the Central Government. Clause 7 provides for supply of fund by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of expenditure likely to be involved as the exact amount of expenditure likely to be involved will depend upon the number of schemes formulated by the Government. However, it is estimated that an annual recurring expenditure of about rupees five hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. Since the rules will relate to the matters of detail only. The delegation of legislative power is, of a normal character.

## BILL NO. 234 OF 2019

*A Bill to provide for certain measures to be undertaken by the Union and the State Governments for the welfare of mentally retarded children and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,  
extent  
and  
commencement.

1. (1) This Act may be called the Mentally Retarded Children (Welfare) Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "child" means a boy or girl who is below the age of eighteen years;

(iii) "Committee" means the Residential Schools Management Committee constituted under section 6;

(iv) "mentally retarded child" means a child with a condition of arrest or incomplete development of mind which is specially characterized by sub-normality of intelligence;

(v) "residential school" means an institution or home which is run privately or with Government aid for the education and protection of mentally retarded children; and

(vi) "prescribed" means prescribed by rules made under this Act.

3. The appropriate Government shall, from time to time hold, within its jurisdiction, a census for collecting all relevant data relating to mentally retarded children.

Census for mentally retarded children.

4. The appropriate Government shall,—

(i) establish residential school for mentally retarded children in every district;

(ii) provide food, adequate care, protection, lodging and boarding, books, stationery items and uniform free of cost;

(iii) provide job oriented professional education and training for self-employment to mentally retarded children after they complete their school education according to their capability; and

(iv) pay subsistence allowance or financial assistance to such mentally retarded children as are not able to earn livelihood.

Setting up of residential schools and providing education and employment to mentally retarded children.

5. The appropriate Government shall provide such monthly allowance to the guardian or caretaker of every mentally retarded child for his livelihood, healthcare and treatment, as may be prescribed.

Monthly allowance to the guardian or caretaker of the mentally retarded children.

6. (1) The appropriate Government shall set up a local Committee in every district to be known as the Residential Schools Management Committee to look into issues relating to admissions and management of residential schools.

Residential Schools Management Committee.

(2) The Committee shall consist of—

(a) the District Magistrate who shall be the Chairperson *ex-officio*; and

(b) not more than five members, of whom at least two members shall be women, from amongst the persons living in that district and have knowledge in the field of child welfare to be nominated by the Chairperson.

(3) The appropriate Government shall provide to the Committee such number of officers and staff as may be necessary for the efficient functioning of the Committee.

7. (1) The appropriate Government shall appoint—

(i) well trained teachers who have experience of teaching mentally retarded children and of addressing their special needs; and

(ii) such administrative personnel for better management of residential schools as it may be deemed necessary.

Facilities to be provided in residential schools.

(2) The salaries and allowances payable to and other terms and conditions of service of the teachers and non-teaching staff of residential schools shall be such as may be prescribed.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide funds.

Overriding  
effect of the  
Act.

**9.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to  
make rules.

**10. (1)** The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

## STATEMENT OF OBJECTS AND REASONS

The number of mentally retarded children is continuously increasing in the country. They become mentally and physically dependent due to mental retardation. The families of mentally retarded children are forced to live in difficulty because of non-availability of scientific knowledge for the upbringing, care and livelihood of mentally retarded children in the country. The mentally retarded children and their families bear this torture without any fault of theirs. The families are forced to bear the unbearable cost of care and health services for mentally retarded children. Several guardians disown these children considered as burden on the family and leave them alone on bus stands, railway stations, temples and masjids for begging. Anti-social elements take advantage of this situation. Several welfare institutions for the mentally retarded children in the country are facing difficulty in keeping them under their protection after their having attained eighteen years of age. They need more protection and support at this point of their age. Therefore, the Governments should come forward for welfare of mentally retarded children and take care of their life term livelihood. The provisions of financial assistance to the guardians or caretakers will help them to bring these mentally retarded children in social mainstream and setting up of residential schools will help in addressing their special needs. The Government should take sole responsibility of mentally retarded children and provide protection to them in order to remove their dependence on social institutions in view of their plight. The provision for affording an opportunity to mentally retarded children to live with pride is expected to be made by the Government.

Therefore, it is extremely necessary to provide for the welfare measures of mentally retarded children in the country.

Hence, this Bill.

NEW DELHI;  
23 October, 2019

RAVI KISHAN.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for conducting a child census for collection of relevant data of mentally retarded children. Clause 4 provides for setting up of residential schools to impart education and training to mentally retarded children in every district. Clause 5 provides for monthly allowance to the guardian/caretakers of the mentally retarded children. Clause 6 provides for setting up of a Residential School Management Committee in every district. Clause 7 provides for appointment of teachers and non-teaching staff to cater needs of mentally retarded children in residential schools. Clause 8 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six hundred crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

## BILL NO. 246 OF 2019

*A Bill to control the growth of population in the country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Population Control Act, 2019.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such a date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "Board" means the National Population Control Board constituted under section 3;

(iii) "Fund" means the Population Control Fund constituted under section 5;  
and

(iv) "prescribed" means prescribed by rules under this Act.

Constitution  
of National  
Population  
Control  
Board.

**3.** (1) The Central Government shall, within six months of the coming into force of this Act, constitute a Board to be known as the National Population Control Board.

(2) The Board shall consist of—

(a) a Chairperson, having such qualifications and experience, as may be prescribed, to be appointed by the Central Government;

(b) Secretaries of the Union Ministries of Human Resource Development, Health and Family Welfare, Social Justice and Empowerment, Panchayati Raj and Minority Affairs as members;

(c) Chief Secretaries of State Governments as members;

(d) Director of the Institute of Population Studies as member;

(e) Director of the National Institute of Health and Family Welfare as member;

(f) one representative each from the Medical Council of India and Family Planning Association of India as member;

(g) two members from non-Governmental Organisations working in the field of population control as members to be appointed by the Central Government in such manner as may be prescribed; and

(h) two persons having experience in the field of population studies to be appointed by the Central Government in such manner as may be prescribed.

Functions and  
Duties of  
Board.

**4.** The Board shall—

(i) formulate two child norm policy within six months of its constitution;

(ii) implement two child norm policy;

(iii) recommend to the Central Government the penalty to be imposed on persons who do not follow the two child norm policy;

(iv) recommend to the Central Government the incentives to be given to persons who follow two child norm policy;

(v) formulate a coherent, integrated and comprehensive long-term plan which shall ensure continued implementation of two child norm policy;

(vi) organise family planning workshops and launch family planning clinics;

(vii) undertake, promote and publish studies and investigations on Indian population in all its aspects;

(viii) collect and disseminate technical and scientific information relating to medical, social, economic and cultural phenomena which affect or are affected by population;

(ix) call upon any department, bureau, office or agency or instrumentality for such assistance as it may require for the efficient performance of its functions;

(x) establish and adopt qualitative goals for the implementation of two child norm policy;

(xi) undertake study on the effects of rates of population growth on family;

(xii) frame syllabus for inclusion of family planning in the school curriculum and higher education;

(xiii) provide safe and effective means to couples desiring to space or limit family size;



(xiv) suggest measures to reduce mortality and morbidity rates;

(xv) formulate policies and programs aimed at guiding and regulating labour force, internal migration and spatial distribution of population;

(xvi) co-ordinate with international agencies and private organizations concerned with population problems to overcome the problem of rising population; and

(xvii) undertake such other tasks as may be assigned to it by the Central Government.

**5. (1)** The Central Government shall constitute a Fund to be known as the Population Control Fund for carrying out the purpose of this Act.

National  
Population  
Fund.

(2) The following shall be credited to the Fund—

(i) contributions and grants from the Central Government; and

(ii) donations and grants from sources within and outside India.

(3) The Fund shall be utilised by the Board in such manner as may be prescribed:

Provided that not more than fifteen percent of the Fund of the Board shall be utilized for meeting expenses of the Board.

**6. (1)** The Board shall meet at least once in a month at such place and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be prescribed.

Meetings and  
Committees.

(2) The Chairperson or, if he is unable to attend, such other member of the Board, as may be chosen by the members present at the meeting from amongst themselves, shall preside over the meeting.

**7.** The Board shall constitute continuing or ad-hoc committees consisting of such number of members of the Board or such other experts as may be deemed necessary to conduct studies for the Board, or to assist it in the efficient discharge of its functions.

Board to  
constitute  
Committees.

**8. (1)** The Board shall appoint an Executive Director who shall be the Secretary to the Board.

Other Staff of  
the Board.

(2) Subject to the direction and supervision of the Chairperson of the Board, the Executive Director shall be responsible for the operation of the national population program, preparing periodic progress of program and annual budget estimates, and for recommending policy to the Board, and perform such other duties as may be prescribed.

(3) The Board shall appoint such other staff as may be necessary to carry out the provisions of this Act and shall arrange for such services as the Chairperson may deem necessary for the performance of the Board's work.

**9.** The salary and allowances payable to and other terms and conditions of service of Chairperson, members, Executive Director and other staff and officers of the Board shall be such as may be prescribed.

Salary and  
allowances of  
Chairperson  
and members  
of the Board.

**10. (1)** The Board shall prepare once every year in such form, as may be prescribed, an annual report giving summary of its activities including information relating to plans, programs and policies relating to population control during the previous year and such report shall contain statements of annual accounts of the Board.

Annual report  
and its laying  
before  
Parliament.

(2) A copy of the report shall be forwarded to the Central Government and the Central Government shall cause such report to be laid, as soon as may be, after it is received, before each House of Parliament.

Overriding effect of the provisions of the Act.

**11.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Central Government to provide adequate fund.

**12.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such amount of funds to the State Governments, as may be necessary for carrying out the purposes of this Act.

Power to make rules.

**13. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying the purpose of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modifications in the rule or both the Houses agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

## STATEMENT OF OBJECTS AND REASONS

One of the most serious social and economic problems that are being faced by India today is its large population and rapid growth. Our Government has regarded a growing population as a catalyst for bringing about swift economic development. We have been following the growth differently, with one-fifth of the world's population but only five per cent, of the world's arable land. Continuing rapid population growth would bring about hardships, extreme poverty, and famine in the country. Soon we are going to be the number one country in the world in population. The need is to frame a policy to ensure that India which has been historically prone to severe floods and natural disasters and facing problems of high urban growth of population and migration, is able to feed its people. The rapid population growth that occurred after the independence could not be controlled by subsequent Governments with policies prevalent from time to time. We don't have legislation for population control. The existing policies has at times been praised as an effective tool for ensuring the moderate control but not able to control its large population. To increase the share of each Indian in the fruits of economic progress and meeting the grave social and economic challenge of a high rate of population growth, a national legislation which respects the secular beliefs of the Constitution and applies to all equally is required to be framed.

Hence, this Bill.

NEW DELHI;  
1 November, 2019

RAVI KISHAN.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Population Control Board. Clause 4 provides for providing incentives to the persons following two child norm policy. It also provides for publishing of studies of the Board. Clause 5 provides for constitution of the Population Control Fund. Clause 7 provides for constitution of adhoc committees for assisting the efficient discharge of functions. Clause 8 provides for appointment of other staff for supporting the functioning of the board. Clause 9 provides for salary and allowance of chairperson and other members of the Board. Clause 12 provides that the Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. The expenditure relating to States shall be borne out of the Consolidated Funds of respective States. Moreover, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore will be involved as a recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 83 OF 2021

*A Bill to provide for constitution of a Commission to look into the welfare and entitlements of female farmers, including land rights*

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:-

**1.** (1) This Act may be called the National Commission for Welfare of Female Farmers Act, 2021.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) 'appropriate Government' means the State Government, in the case of a State, and the Central Government in all other cases:

(b) 'National Commission' means the National Commission for Welfare of Female Farmers constituted under Section 3;

(c) 'prescribed' means prescribed by rules under this Act; and

(d) 'female farmer' means any woman, irrespective of marital status or ownership of land, who undertakes cultivation or any other agricultural activity in her own land or any other land owned by her husband or a family member, or on any other land on a sharing or lease basis.

Constitution  
of the  
National  
Commission.

**3. (1)** The Central Government shall, by notification in the Official Gazette, constitute a Commission to be known as the National Commission for the Welfare of Female Farmers.

(2) The Commission shall consist of—

(a) a Chairperson- committed to the cause of women, to be nominated by the Central Government;

(b) A Deputy Chairman - committed to the cause of women, to be nominated by the Central Government;

(c) three members, to be nominated by the Central Government from amongst the persons committed to the cause of welfare of women and having experience in the field of women's rights, farmers rights, law or management.

(3) The Central Government may appoint such number of officers and staff, including experts to the Commission as may be required for its efficient functioning.

(4) The Salary and allowance payable to, and other terms of conditions of service of the Chairperson, Deputy Chairperson, members, officers, staff and experts of the Commission shall be such as may be prescribed.

(5) The National Commission shall have the power to regulate its own procedure.

Functions of  
the National  
Commission.

**4. (1)** It shall be the duty of the National Commission to take such steps as it may deem appropriate, for the welfare and development of female farmers.

(2) The National Commission shall—

(a) negotiate all cases relating to the safeguards provided to female farmers and carry out the improvement and monitoring of such safeguards.

(b) safeguard the rights of female farmers over the land they cultivate.

(c) investigate complaints of female farmers related to the deprivation of their rights and safeguards.

(d) extend assistance to the appropriate Government in the planning and implementing policy of the socio-economic development of female farmers.

(e) submit reports to the Central Government regarding the working of the safeguards on an annual basis or at such intervals as it deems fit.

(f) undertake all other functions for the protection, welfare and development of female farmers, as specified by the Central Government.

Central  
Government to  
lay report.

**5. (1)** The Central Government shall cause to be laid before both the Houses of Parliament all the reports submitted to it under clause (e) sub-section (2) of section 4 along with a memorandum explaining the action taken or proposed to be taken on the recommendations made to the Central Government and thereasons for non-acceptance, if any.

(2) Where the report, or any part of it is related to any of the issues connected with the State Government, a copy of such report shall be forwarded to the State Government, who shall in turn, along with a memorandum explaining the action taken or proposed to be taken on the recommendations made to the State Government, and the reasons for non-acceptance, if any, cause to be laid such report before the State Legislature.

- 6.** The National Commission shall, while investigating matters under clause (c) of sub-section (2) of section 4, have all the powers of a Civil Court, in particular in respect of the following matters, namely—
- (a) summoning and enforcing the attendance of any person from any part of India and examining him/her on oath;
- (b) receiving evidence on affidavit;
- (c) receiving evidence on affidavit;
- (d) requisitioning any public record or copy thereof from any court or office, issuing commission for the examination of witnesses and documents; and
- (e) any other matter which may be prescribed.
- 7.** The appropriate Government shall consult the National Commission on all policies affecting the interest of female farmers.
- 8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide a adequate funds to the National Commission for carrying out the purposes of this Act.
- 9.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:
- Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.
- 10.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
- 11. (1)** The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2)** Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session. for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Commission to have powers of Civil Court.

Appropriate Government to Consult Commission.

Central Government to provide funds.

Power to remove difficulties.

Act to have overriding effect.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

More than fifty per cent of the population of the country is involved with agriculture in some way or the other. Out of this population, almost seventy per cent are female farmers. More women work on the fields than men, yet only thirteen per cent of them own the land they cultivate. Without ownership over land, they have very little access to credit schemes means to support farmers. Land rights for women are mediated through the various personal laws, that are followed arbitrarily from State to State. Customary practices sometimes deny the women their right to land even when it is permitted by law. Another issue female farmers face is the wage gap in the agricultural sector. They are often forced to be content with low-paid agricultural jobs. Many schemes and special provisions exist for female farmers, in spite of which their socio-economic situation has not changed. In order to look into their specific needs and ensure their development, a better, empowered institutional mechanism is needed. There is a great need for the constitution of a National Commission for the Welfare of Female Farmers.

Hence, this Bill.

NEW DELHI;

4, November, 2019

RAVNEET SINGH.



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#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Commission for the Welfare of Women Farmers. It also provides for the appointment of a Chairperson, Deputy Chairperson, members, officers, staff and experts to the Commission. Clause 8 provides for the Central Government to provide adequate funds for the functioning of the Commission. The Bill, therefore if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore will be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

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#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules relate to matters of details only, the delegation of legislative power is of normal character.

## BILL NO. 4 OF 2021

*A Bill to provide for establishment of a Bicycle Promotion Council for the promotion of cycling by giving incentives to the bicycle industry; providing subsidy on purchase of bicycles to the general public; mandating investment on non-motorised Transport for projects that seek to develop non-motorised and public transport infrastructure and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-second Year of the Reppublic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Promotion of Cycling Act, 2021.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different—

(a) Provisions of this Act;

- (b) areas; and
- (c) roads or highways.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

- (a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;
- (b) "Council" means the Bicycle Promotion Council constituted under section 4; and
- (c) "prescribed" means prescribed by rules made under this Act.

**3.** (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to promote eco-friendly and healthy practice of cycling through its territorial jurisdiction in such manner as may be prescribed.

Appropriate Government to promote cycling.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the appropriate Government shall for the purpose of this Act,—

- (a) provide subsidy to the general public for purchasing bicycles;
- (b) give incentives and attractive cycle allowance to its employees for using bicycles while commuting to office and back home;
- (c) consider and take such steps, as it may deem necessary, for reducing GST component on bicycles from twelve per cent to five per cent to promote cycling;
- (d) consider mandating investment on Non-motorised Transport for projects that seek to develop non-motorised and public transport infrastructure;
- (e) focus on the bicycle as a preferred mode of transport;
- (f) make provision for dedicated cycle lanes along all major roads including flyovers; and
- (g) make such other provisions as it may deem necessary and expedient for the purposes of this Act.

**4.** (1) The Central Government shall, by notification, in the Official Gazette constitute a Council to be known as the Bicycle Promotion Council for the promotion of use of bicycles in the country.

Constitution of a Bicycle Promotion Council.

(2) The Council shall consist of a Chairperson and at least fifteen members to be appointed associated with the bicycle industry, including industrialists and domain experts.

Provided that at least eight members of the Council shall be from amongst persons directly associated with the bicycle industry, including industrialists and domain experts.

(3) The headquarter of the Council shall be at Ludhiana in the State of Punjab.

(4) The Salary and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Council shall be such as may be prescribed.

**5.** The Central shall carry out studies and make recommendations to the Central Government on the following matters namely:—

Functions of the Council.

- (a) construction of safe and adequate cycling infrastructure;
- (b) creating a National Cycling Plan, strategies and laws to promote cycling;
- (c) concessions, especially for the low-income individuals, to buy bicycles;
- (d) creating national awareness about the benefits of cycling;
- (e) addressing the grievances of the bicycle industry;

- (f) cost-benefit analysis of investment in cycling;
- (g) market analysis for improving bicycle industry competitiveness;
- (h) study and help to implement the best internationally accepted methodologies for promotion of cycling and development of bicycle industries; and
- (i) bridging the technological gap for production of premium bicycles.

Recommendations of the Council to be implemented by the Central Government.

**6.** It shall be the duty of the Central Government to implement, in consultation with the concerned State Government, the recommendations of the Council:

Provided that where it is felt that any recommendation may not be implemented due to any reason, the Central Government may, for the reasons to be recorded in writing, inform the Council accordingly.

Act not in derogation of any other law.

**7.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Central Government to provide funds.

**8.** The Central Government shall, after due appropriation made by Parliament law in this behalf, provide adequate funds to the State Governments for implementing the provisions of this Act.

Power to make rules.

**9. (1)** The Central Government may, notification in the Official Gazette, make rules for carrying out the purpose of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Cycling has been a major source of transportation in India. Bicycles play an important role in enabling livelihoods of the urban poor by providing them a cost-effective option. Our country is the second largest producer of bicycles and produces around 1.5 crore bicycles every year. The Indian bicycle manufacturing and bicycle components industry is widely recognized for its distinct standards and variety in global market.

The pollution level in the country has reached such extreme level that the judiciary has often observed that we are living in a Gas Chamber. Due to the catastrophic consequences of this environment pollution which is endangering the very existence of human life, cycling has the potential to emerge as the favoured mode of transportation among the people of the country. Cycling provides immense benefits in the form of zero dependence on energy sources, zero pollution and improved health.

The entire bicycle industry is badly handicapped by unfriendly environment and infrastructure for cycling in our cities. Consequently, in order to mitigate pollution and enhance the share of cycling, the Government needs to play a very pro-active role by providing large scale cycling infrastructure, subsidies/tax exemptions and micro-financing options especially for low-income households. There is also a need for the creation of a dedicated body consisting of experts from bicycle industry for targeted efforts to bring about positive change in the bicycle industry and to develop it as an effective alternative mode of urban transport.

Bicycle is a sustainable, affordable and eco-friendly mode of transportation and requires active national level intervention by the Central Government for its successful promotion.

Hence, this Bill.

NEW DELHI;  
12 February, 2020

RAVNEET SINGH.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for giving subsidy to general public for purchasing bicycles as well as incentives to employees for commuting by bicycles. Clause 4 provides for establishment of Bicycle Promotion Council for promotion of bicycles in the country. It also provides for appointment of Chairperson and members to the Council. Clause 8 makes it mandatory for the Central Government to provide adequate funds to the States and Union territories for implementing the provisions of the Bill. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore will be involved as recurring expenditure per annum for the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved from the Consolidated Fund of India.

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MEMORANDUM OF DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 192 OF 2022

*A Bill further to amend the Aligarh Muslim University Act, 1920.*

BE it enacted by Parliament in the Seventy-third year of the Republic of India as follows:—

**1.** (1) This Act may be called the Aligarh Muslim University (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In section 12 of the Aligarh Muslim University Act, 1920, in sub-section (1), for the words, "University Mosque", the words "University Mosque or the administrative blocks of the Special Centres" shall be substituted.

Amendment  
of section 12.

## STATEMENT OF OBJECTS AND REASONS

The Special Centres of the Aligarh Muslim University (AMU) were started ten years ago. The special centres are satellite campuses of the AMU intended to address the higher educational needs of the muslim community. For this purpose, three locations were identified—Malappuram in the State of Kerala, Murshidabad in the State of West Bengal and Kishanganj in the State of Bihar.

This idea of establishing off campus centres was the first of its kind in India and therefore, no proto model *per se* was in existence. In tune with the suggestions from different sources, the proposal was drawn up on the strength of section 12 (2) of Aligarh Muslim University (Amendment) Act, 1981 which read as follows:—

"(2) The University may also, with the sanction of the Visitor and subject to the Statutes and Ordinances, establish and maintain such Special Centres, Specialised Laboratories or such other institutions for research or instruction as are necessary for the furtherance of its objects either on its own or in cooperation or collaboration with any other institution.

Subsequently, the President of India in the capacity of visitor accorded approval to establish special centres in the year 2010 pursuant to the AMU Court's resolution, executive council's approval and the academic council's approval (AMU 2016a, 2016).

The Special Centres of the AMU are established to increase access of the students from the concerned State/region to higher education. However, the number of students studying in these centres is more from outside the State. This is mainly due to the policy of fifty per cent. of reservation of seats for the internal candidates. With the establishment of high schools at the AMU Special Centres, the students of the region can also benefit from the internal reservation policy of the university in their admission to graduation and post graduations programmes offered by the AMU Centres.

The Bill, therefore, seeks to amend the Aligarh Muslim University Act, 1920 with a view to empower the University to establish and maintain high schools within a radius of fifteen miles from the Special Centres of the University in addition to the existing provision of the establishment of high school from the University Mosque.

Hence, this Bill.

NEW DELHI;

E.T. MOHAMMED BASHEER.

10 August, 2022



## BILL NO. 209 OF 2022

*A Bill to prevent mob lynching and provide adequate punishment for persons ommitting mob lynching with a view to instill a sense of fear among the persons who involve themselves in such a kind of actions and for rehabilitation of victims of lynching and their families and for matters connected therewith or incidental thereto.*

WHEREAS the Constitution of India guarantees to all persons the right to life and personal liberty and the equal protection of law;

AND WHEREAS in recent times, there have been a spate of incidents resulting in loss of livelihood, injuries and death of persons at the hands of lynch mobs;

AND WHEREAS it is deemed necessary and expedient to enact a legislation for the protection of these rights guaranteed by the Constitution in the light of Supreme Court direction dated 17-07-2018 in W.P.(C) No. of 754 of 2016 (Tahseen S. Poonawalia Vs. Union of India and Others).

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Prevention of Mob Lynching Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "lynching" means any act or series of acts of violence or aiding, abetting or attempting an act of violence, whether spontaneous or planned, by a mob on the grounds of religion, race, caste, sex, place of birth, language, dietary practices, sexual orientation, political affiliation, ethnicity or any other related grounds;

(c) "mob" means a group of two or more individuals, assembled with an intention of causing violence or lynching;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "victim" means any person, who has suffered physical, mental, psychological or monetary harm as a result of any offence committed under this Act, and includes his or her relatives, legal guardian and legal heirs of a deceased victim; and

(f) words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 or the Indian Penal Code shall have the meanings assigned to them respectively in the Code of Criminal Procedure, 1973, or as the case may be, in the Indian Penal Code, 1860.

2 of 1974.  
45 of 1860.

## CHAPTER II

## DUTIES OF NODAL OFFICERS AND POLICE OFFICERS

Nodal Officer.

3. (1) The appropriate Government shall designate, a senior police officer, not below the rank of Superintendent of Police, as nodal officer in each district to prevent lynching in such district.

(2) The nodal officer shall be assisted by one of the Deputy Superintendent of Police in the district for taking measures to prevent incidents of mob violence and lynching.

(3) The nodal officer shall constitute a special task force so as to procure intelligence reports about the persons who are likely to commit such crimes or who are involved in spreading hate speeches, provocative statements and fake news.

Duties of the  
Nodal Officer.

4. The nodal officer designated under sub-section (1) shall,—

(a) hold regular meetings (at least once in a month) with the local intelligence units in the district along with all Officers in-charge of Police Station of the district to identify the existence of the tendencies of vigilantism or mob lynching in the district;

(b) take such steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting lynching; and

(c) monitor the investigation of offences of mob lynching personally and ensure that the investigation is carried out effectively and the charge-sheet in such cases is filed within the statutory period from the date of registration of the First Information Report or arrest of the accused, as the case may be.

### CHAPTER III

#### PREVENTION OF ACTS LEADING TO LYNCHING

**5.** (1) It shall be duty of every police officer, in-charge of a police station to take all reasonable steps to prevent any incident of lynching, including its incitement, commission and possible spread in the area under his jurisdiction and to that end—

Duty to prevent lynching.

(i) make all possible efforts to identify patterns of violence in the area under their jurisdiction, that has led to occurrence of targeted violence;

(ii) obtain information regarding the likelihood of an act of lynching; and

(iii) act in furtherance of the duty to prevent any act of lynching in accordance with the powers vested in them.

(2) Every police officer exercising powers under this Act in discharge of their duties shall act without any delay in a fair manner.

### CHAPTER IV

#### OFFENCES AND PUNISHMENT FOR LYNCHING

**6.** Whoever commits an act of lynching—

Punishment for offence of lynching.

(i) where the act leads to the victim suffering hurt, shall be punished with imprisonment of either description for a term which may extend up to seven years and with fine which may extend to one lakh rupees;

(ii) where the act leads to the victim suffering grievous hurt, shall be punished with imprisonment of either description for a term which may extend up to ten years, and with fine which may extend to three lakh rupees;

(iii) where the act leads to the death of the victim, shall be punished with rigorous imprisonment for life and with fine which may extend to five lakh rupees.

**7.** Whoever takes part in a conspiracy or conspires to lynch another person, or abets or aides or attempts an act of lynching shall be punished in the same manner as if they had taken part in the actual incident of lynching.

Punishment for conspiracy or abetment or aides or attempt to lynch.

**8.** Any person who,—

Punishment for obstructing legal process.

(a) knows or have reasonable cause to believe that any other person is guilty of an offence under this act, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest or administration of Justice for the said offence, shall be punished with imprisonment for a term which may extend to five years and shall also be liable to such fine as may be prescribed; and

(b) threatens a witness with any injury to his person or property or to the person or property of any one in whom the witness is interested, with intent to cause harm to that person, or to compel that person to refrain or withdraw from being a witness in any

investigation or trial under this act shall be punished with imprisonment for a term which may extend to five years and shall also be liable to such fine as may be prescribed.

## CHAPTER V

### OTHER OFFENCES AND PUNISHMENT

Punishment for dissemination of offensive material.

**9.** Notwithstanding anything contained in any other law for the time being in force, whoever publishes, communicates or disseminates by any method, print or electronic, any offensive material, shall be punished with imprisonment of either description for a term of not less than one year which may extend upto three years, and with fine which may extend upto fifty thousand rupees.

Punishment for causing damage to any property movable and immovable.

**10.** Notwithstanding anything contained in any other law for the time being in force, whoever causes damage to any property movable or immovable in the act of lynching, shall be punished with imprisonment of either description for a term of not less than one year which may extend upto three years, and with fine which may extend to twice the amount of damage or loss caused to the property, as may be determined by the Court.

Punishment for false information or failure to give information.

**11.** Any person willfully and maliciously giving false information and so causing an arrest or a search to be made under this Act shall on conviction be liable for imprisonment for a term which may extend to two years or with fine which may extend upto fifty thousand rupees or both.

Dereliction of duty by Police Officer.

**12.** When any police officer, directly incharge of maintaining law and order in an area, omits to exercise lawful authority vested in him under law, without reasonable cause, and thereby fails to prevent lynching, shall be guilty of dereliction of duty.

*Explanation*—For the purposes of this section, dereliction of duty by a police officer shall also include the following:

(i) failure to provide protection to a victim of lynching;

(ii) failure to act upon apprehended lynching;

(iii) refusing to record any information under sub-section (1) of section 154 of the Code of Criminal Procedure, 1973 relating to the Commission of an offence under this Act.

## CHAPTER VI

### INVESTIGATION, PROSECUTION AND TRIAL

Application of Code of Criminal Procedure, 1973.

**13.** The provisions of the Code of Criminal Procedure, 1973, shall apply to this Act, save and except as amended or supplemented to the extent provided under this Chapter.

Offences to be cognizable, non-bailable and non-compoundable.

**14.** Unless otherwise specified, all offences specified under this Act, shall be cognizable, non-bailable and non-compoundable.

Investigation by Senior Police Officers.

**15.** No police officer below the rank of Sub-Inspector of Police shall investigate any offence committed under this Act.

Sanction not required for offences under the Act.

**16.** The provisions of sections 196 and 197 of the Code of Criminal Procedure, 1973 shall not apply to offences committed under this Act and the Court may take cognizance of such offence when satisfied that the said offence has been committed. 2 of 1974.

**17.** Notwithstanding anything contained in the Code of Criminal Procedure 1973, or in any other law for the time being in force, the offences specified under this Act shall be tried by Designated Judges appointed under this Act.

Case triable  
by Designated  
Judges.

**18. (1)** The Appropriate Government by notification in the Official Gazette, appoint as many Designated Judges in consultation with the Chief Justice of the High Court of the State as it may be necessary to try offences punishable under this Act.

Power to  
appoint  
Designated  
Judges.

(2) A person shall not be qualified for appointment as a Designated Judge under this Act unless he or she is or has been a Sessions Judge under the Code of Criminal Procedure, 1973.

2 of 1974.

**19. (1)** The victim shall have the right to receive a copy of any statement of the witness recorded during investigation or inquiry, and a copy of all statements and documents filed under section 173 of the Code of Criminal Procedure, 1973 including the charge-sheet or closure report submitted by police.

Rights of  
victim.

2 of 1974.

(2) A victim shall be entitled to receive free legal aid if he or she so chooses and to engage any advocate who he or she chooses from among those enrolled in the legal aid panel under the Legal Services Authorities Act, 1987 and the State Legal Aid Services Authority shall pay all costs, expenses and fees of the advocate appointed by the victim or informant in accordance with relevant rules.

39 of 1987.

(3) Notwithstanding anything contained in any other law being in force, the Designated Judge trying a case may permit the prosecution to be conducted by any advocate recommended by the victim:

Provided that no person, other than the Advocate-General or Government Advocate or a Public Prosecutor or Assistant Public Prosecutor, shall be entitled to conduct the prosecution without the prior approval of the Designated Judge.

(4) Where the prosecution is conducted by an advocate recommended by the victim, the expenses arising out of such service, shall be borne by the State Government.

(5) It shall be the duty and responsibility of the State Government for making arrangements for the protection of victims and witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence.

(6) The State Government shall inform the concerned Designated Judge about the protection provided to any victim, informant or witness and the Designated Judge shall periodically review the protection being offered under this section and pass appropriate orders.

(7) It shall be the duty of the Investigating Officer to record the complaint of victim, informant or witnesses against any kind of intimidation coercion or inducement or violence or threats of violence, whether given orally or in writing and copy of the same shall be sent to the Designated Judge within twenty-four hours of recording it.

**20. (1)** Notwithstanding anything contained in the Code of Criminal Procedure Act, 1973, every case, registered in connection with an offence under this Act and where the Investigating Officer does not file a charge- sheet within a period of three months from the date of registration of the First Information Report, shall be reviewed by a committee headed by an officer of the level of an Inspector-General of Police to be constituted by the State Government and such committee may pass orders for a further investigation by another officer not below the rank of Deputy Superintendent of Police wherever it comes to the

Constitution  
of Review  
Committee.

2 of 1974.

conclusion that, having regard to the nature of investigation already carried out, such investigation would be necessary.

(2) The Committee constituted under sub-section (1) may also review cases of such offences where the trial ends in quittal and issue orders for filing appeal, wherever required.

(3) The Committee shall submit a report of its findings and action taken in each case or cases to the Director General of Police.

## CHAPTER VII

### MISCELLANEOUS

Power to  
remove  
difficulties.

**21.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

Act to be in  
addition to  
any other law.

**22.** The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force except to the extent the provisions of other laws are inconsistent with the provisions of this Act.

Power to  
make rules.

**23.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

There has been an increase in the number of cases related to mob lynching in India. This act of people taking the law into their hands because of the shallow knowledge of the Justice system poses a serious threat to the rule of law and principle of natural justice. Such acts have also posed serious threats to minority groups in the country and appropriate steps must be taken in order to check deter such crimes.

In a country like India, a person taking law into their own hands is unacceptable. Citizens of the country have been granted fundamental rights and such lynching cases are abusing right to life, right to a fair trial, etc. India is a secular state and it is important to ensure that interest of the minorities are being protected and they are not suppressed by the majority.

In *Tehsen S. Poonawalla Vs. Union of India and others*, the then Hon'ble Chief Justice of India along with three Judge bench had condemned the recent incidents of mob lynching and mob attack taking place in different parts of Country.

Mob lynching and mob vigilantism must be prevented by the government by taking strict action and people ought to report such incidents.

Months have been passed since the Supreme Court expressed anguish by what it described as 'horrific acts of mobocracy' and issued a slew of direction to the Union and State Government to protect India's 'pluralist social fabric' from mob violence.

Hence, this Bill.

NEW DELHI;  
10 August, 2022

E.T. MOHAMMED BASHEER.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 206 OF 2022

*A Bill to prevent the custodial torture, ensure award of compensation to the victims and making the erring public officials liable for the punishment and for matters connected therewith.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Prevention of Torture Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "prescribed" means prescribed by rules made under this Act;

(c) words and expressions used but not defined in this Act shall have the same meanings respectively as assigned to them in the Indian Penal Code, 1860; and

45 of 1860.

(d) any reference in this Act to any enactment or any provision thereof shall in any area in which such enactment or provision is not in force be construed as a



reference to the corresponding law or the relevant provision of the corresponding law if any, in force in that area.

**3.** (1) Whenever a person is arrested by a police officer, intimation of such arrest along with the place of detention shall be immediately communicated by the concerned police officer to a relative, if such relative is present at the time of arrest or, in his absence, to such other person as mentioned by the person who is being arrested in such manner as may be prescribed.

Intimation of arrest of a Person.

(2) The intimation under sub-section (1) shall be communicated by telephone or by such other means which shall be recorded by the police officer and the signature of the arrested person be obtained in such manner as may be prescribed.

(3) After the arrest of a person under sub-section (1), the police officer shall prepare a custody memo and body receipt of the person arrested duly signed by him and by two witnesses of the locality where the arrest has been made and forward a copy of such custody memo and body receipt to a relative, if such relative is present at the time of arrest or, in his absence, to such other person as mentioned by the person who is being arrested in such manner as may be prescribed.

(4) The custody memo prepared under sub-section (3) shall contain the following particulars:—

- (i) name of the person arrested and father's or husband's name;
- (ii) address of the person arrested;
- (iii) date, time and place of arrest;
- (iv) offence for which, the arrest has been made;
- (v) property, if any, recovered from the person arrested and taken into charge at the time of the arrest; and
- (vi) any bodily injury which may be apparent at the time of arrest.

**4.** During the interrogation of the arrested person his legal practitioner shall be allowed to remain present.

Presence of legal practitioner.

**5.** It shall be the responsibility of the police officer to inform the person arrested, as soon as he is brought to the police station, of the contents of the section under which he has been arrested and shall make an entry in the police diary about the following facts:

Entry in police diary regarding arrest.

- (a) the person who was informed of the arrest;
- (b) the fact that the person arrested has been informed of the reasons of his arrest; and
- (c) the fact that a custody memo has been prepared under sub-section (3) of section 3.

2 of 1974.

**6.** (1) Notwithstanding the provisions of section 357 of the Code of Criminal Procedure, 1973, where the court convicts a public servant for an offence committed by him resulting in death or bodily injury of a person in his custody, such public servant shall be liable to pay such amount of compensation to the person who has sustained bodily injury or has died during the period of custody as may be awarded by the Court.

Compensation in custodial offences.

(2) The court while awarding compensation under sub-section (1) shall order that the appropriate Government under which such public servant was employed at the time when such act was committed, be liable jointly and severally with such public servant to pay, by way of compensation such amount as may be specified in the order.

(3) An order for payment of compensation under sub-section (2) may also be made by an appellate court or by the High Court or Court of Session while exercising powers of revision.

(4) While awarding compensation in any subsequent suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section.

(5) The amount of compensation to be awarded under this section shall not be less than,—

(a) rupees two lakh in the case of bodily injury, not resulting in death;

(b) rupees ten lakh in case of death or such higher amount as decided in the judgment of decree.

(6) The Court shall, while fixing the amount of compensation under this section, take into account all relevant circumstances, including (but not limited to) the following:

(a) the type and severity of the injury suffered by the victim;

(b) the mental anguish suffered by the victim;

(c) the expenditure incurred or likely to be incurred on the treatment and rehabilitation of the victim;

(d) the actual and projected earning capacity of the victim and the impact of its loss on the persons entitled to compensation and other members of the family;

(e) the extent, if any, to which the victim himself contributed to the injury; and

(f) the expenses incurred in the prosecution of the case:

Provided that in case of death or permanent disablement of the victim, the court may take into account the estimated annual income of the victim as multiplied by the number of years of his estimated span of life.

(7) The Court may, pending final determination of the proceeding, award, by way of interim relief, such compensation as it may think proper in the circumstances of the case at any stage of the case, even before judgment of conviction is passed.

(8) The appropriate Government may recover any amount paid by it as compensation under this section wholly or partly as it may think proper, from the delinquent public servant in such manner as may be prescribed.

Power to  
remove  
difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Power to make  
rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Complaints of abuse of power and torture of suspects in custody by the police and other law enforcing agencies have been the concern of the society. Custodial crimes and torture of persons in police custody are heinous and revolting as they reflect betrayal of custodial trust by a public authority against the defenseless citizen. Such practices violate fundamental rights and human rights. There is a pressing need to control this malady.

Investigation of crime and apprehension of an offender is extremely necessary to ensure peace and order. For the implementation of laws and maintenance of law and order, police and other law enforcing agencies are necessary, but no civilised country can permit the use of torture and third degree methods during interrogation and investigation of an offence. The police and other Governmental agencies, while enforcing the law, are required to respect the constitutional commitment to the individual's fundamental rights.

The existing law is inadequate and ineffective in dealing with the custodial crimes and in many cases the erring officers go scot-free on account of the complainants inability to prove the case against them. The Supreme Court has commented upon the inadequate statutory provisions dealing with the custodial crimes in India and it has made several suggestions for reforms in the existing laws. Besides this the victims of custodial crime should be given adequate compensation, and the erring officials should be liable for due punishment.

Hence, this Bill.

NEW DELHI;

E.T. MOHAMMED BASHEER.

10 August, 2022

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 57 OF 2022

*A Bill further to amend the Citizenship Act, 1955.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement.	<p><b>1.</b> (1) This Act may be called the Citizenship (Amendment) Act, 2022.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>
Amendment of section 2.	<p><b>2.</b> In section 2 of the Citizenship Act, 1955 (hereinafter referred to as the principal Act), 57 of 1955, in sub-section (1), in clause (b), the proviso shall be omitted.</p>
Omission of section 6B.	<p><b>3.</b> Section 6B of the principal Act shall be omitted.</p>
Amendment of section 7D.	<p><b>4.</b> In section 7D of the principal Act,—</p> <p>(a) clause (da) shall be omitted; and</p> <p>(b) proviso to clause (f) shall be omitted.</p>
Amendment of section 18.	<p><b>5.</b> In section 18 of the principal Act, in sub-section (2), clause (eei) shall be omitted.</p>
Amendment of the Third Schedule.	<p><b>6.</b> In the Third Schedule to the principal Act, proviso to clause (d) shall be omitted.</p>

## STATEMENT OF OBJECTS AND REASONS

The Citizenship Act was enacted to provide Indian citizenship to foreign nationals who seek to make India their home. There are various rules and regulations which are followed before a foreign national is given Indian citizenship.

The Citizenship (Amendment) Act, 2019 (Act No.47 of 2019) was notified on 10th January, 2020. However, till date no new rules have been formulated which indicates that there are issues which are preventing the Government from framing laws.

The essence of Amendment Act of 2019 is very much against the letter and spirit of the Assam Accord signed in 1985. As per the accord, the cut off date for foreign nationals was 1971. Whereas the Amendment Act of 2019 revised the cut off date to 2014. This has hurt the sentiments of the Assamese people who fought for their rights and sacrificed lives in the fight against illegal migrants.

The Bill, therefore, seeks to amend the Citizenship Act, 1955 with a view to omit the provisions inserted by the Citizenship (Amendment) Act, 2019 (Act No. 47 of 2019).

Hence, this Bill.

NEW DELHI;

ABDUL KHALEQUE.

14 February, 2022

## BILL NO. 42 OF 2022

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of Article 80.

**2.** In article 80 of the Constitution:—

(a) in clause (1), after sub-clause (a), the following sub-clause shall be inserted, namely:—

"(aa) three persons with benchmark disabilities to be nominated by the President;"; and

(b) after clause (5), the following Explanation shall be inserted, namely:—

"*Explanation.*—In this article and in articles 171A, 331A and 333A, the expression, "persons with benchmark disabilities" means a person with not less than

forty per cent. of disability where disability refers to long term physical, mental, intellectual or sensory impairment of a person which hinders his full and effective participation in society equally with others."

3. After article 171 of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new Article  
171A.

"171A. Notwithstanding anything in article 171, the Governor may, if he is of opinion that the persons with disabilities are not adequately represented in the Legislative Council of a State, nominate three members being persons with benchmark disabilities to the Legislative Council of a State."

Representation  
of persons with  
benchmark  
disabilities in  
the Legislative  
Council of  
States.

4. After article 331 of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new Article  
331A.

"331A. Notwithstanding anything in article 81, the President may, if he is of opinion that the persons with disabilities are not adequately represented in the House of the People, nominate not more than three members being persons with benchmark disabilities to the House of the People."

Representation  
of persons  
With  
benchmark  
disabilities in  
the House of  
the People.

5. After article 333 of the Constitution, the following article shall be inserted, namely:—

Insertion of  
new Article  
333A.

"333A. Notwithstanding anything contained in article 170, the Governor of a State may, if he is of opinion that the persons with benchmark disabilities need representation in the Legislative Assembly of the State and are not adequately represented therein, nominate three members being persons with benchmark disabilities to the Assembly."

Representation  
of the persons  
with benchmark  
disabilities in  
the Legislative  
Assemblies of  
the State.

## STATEMENT OF OBJECTS AND REASONS

The year 2019 was declared as the "Year of Accessible Elections". The Election Commission of India carried out a booth-wise mapping of persons with disability, made accessibility enhancements at booths, updated their websites to be accessibility-friendly and launched awareness campaigns. In the Budget 2022 speech, the Hon'ble Finance Minister announced that the parent or guardian of a differently-abled person can take an insurance scheme for them along with a proposal to allow the payment of annuity and lump sum amount to the differently-abled dependents during the lifetime of parents.

While these are laudable steps, in order to truly empower the specially-abled, it is imperative that they be included in the nation's primary decision making and enjoy adequate representation. As per the 2011 census, there are 14.9 million men and 11.9 million women with disabilities in the country. Social group-wise analysis shows 2.45 percent of the total disabled population belong to the Scheduled Castes (SC), 2.05 percent to the Scheduled Tribes (ST) and 2.18 percent to other than SC/ST. Thus, to ensure that the voices of so many Indians are heard and their perspectives put forth when any law is being made, reserving seats for them becomes necessary.

Article 21 of the Constitution guarantees the right to live with dignity to all people, including those who are specially-abled. Article 41 of Constitution of India declares that the States shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want.

Furthermore, article 46 lays down an obligation on the State to promote with special care the educational and economic interests of the weaker sections of the people, and protect them from social injustice and all forms of exploitation.

The Hon'ble Supreme Court of India in *Javed Abdi vs. Union of India and Ors.* observed that it is the prime objective of the Rights of Persons with Disabilities Act, 2016 to create a barrier free environment for persons with disabilities and to make special provision for the integration of persons with disabilities into the social mainstream apart from the protection of rights, provisions of medical care, education, training, employment and rehabilitation.

The most efficient way to fulfil the constitutional obligations and objectives would be to give the persons with benchmark disability a place in the legislature, so that by virtue of their lived experiences, they can help the country make laws that are sensitive to the cause of the specially-abled and further their interests and empowerment. The objective of this Bill is to thus, bolster the voices of the persons with benchmark disability.

Hence, this Bill.

NEW DELHI;  
16 February, 2022

KULDEEPRAI SHARMA.



## BILL NO. 44 OF 2022

*A Bill further to amend the Central Universities Act, 2009.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Central Universities (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

**2.** After section 3E of the Central Universities Act, 2009 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of  
new section 3F.

"3F. There shall be established a University, which shall be a body corporate, to be known as the Central University of Andaman and Nicobar Islands, having its territorial jurisdiction extending to the whole of the Union territory of Andaman and Nicobar Islands, as specified in the First Schedule to this Act."

Establishment  
of Central  
University of  
Andaman and  
Nicobar.

Amendment  
of the First  
Schedule.

**3.** In the First Schedule to the principal Act, for serial number 1 and entries relating thereto, the following serial numbers and entries, shall be substituted, namely:—

"1.	Andaman and Nicobar Islands	Central University of Andaman and Nicobar Islands.	Whole of the Union territory of Andaman and Nicobar Islands.
1A.	Andhra Pradesh	Central University of Andhra Pradesh.	Whole of the State of Andhra Pradesh."

## STATEMENT OF OBJECTS AND REASONS

After the Presidential assent to Central Universities (Amendment) Act, 2021, India now has 55 Central Universities, out of which 40 are centrally funded through University Grants Commission (UGC) under the purview of Union Ministry of Education and another nine enjoy the autonomous status, directly funded by the Government of India (GoI). The enactment of Central Universities Act, 2009 was done with the aim to establish and incorporate universities for teaching and research in various States and Union territories. Currently there are several universities in Union territories like Jammu & Kashmir, Ladakh, Delhi, Pondicherry, Chandigarh, but there is no such university in the Union territory of Andaman and Nicobar Islands.

Andaman and Nicobar Islands are the third largest Union territory of India, boasting an area of 8,249 square kilometers and a population of 3,79,944. As per the Census of India (2011) the islands have a literacy rate of 86.27 per cent. which is higher than the national average of 74.04 percent. This is further compounded by the government schemes of providing incentive to tribal student and providing primary schools close to almost every habitation. With such a high rate of literacy, it is imperative that the islands must have a Central University to provide quality secondary education to its bright young population. This will also create greater job specialization and aid in the carrying out of quality research.

Andaman and Nicobar Islands are also unique due to their prevalence of vulnerable tribal groups. For instance, the Great Andamanese were once the most prolific tribe in the territories, numbering 10,000 in terms of population. By 1999, their numbers were down to just 41 tribals. Similarly, the Sentinelese are very isolated and have lost contact with other tribes. Some tribes like the Jarawa have a buffer zone around their inhabitation to prevent contact with tourists which may prove to be fatal for them. These tribes are regularly endangered by tourism, especially foreign tourist, and must be provided with quality education.

As of now, Andaman and Nicobar Islands is one of the few Union territories not having a Central University under the Central Universities Act, 2009. Union territories like Jammu and Kashmir, Delhi and Ladakh, etc., all have a Central University. Improvement of quality and standard of education and research and have a strong connection with the central authority. After taking in to account the development and spread of literacy and primary education in Andaman and Nicobar Islands and its unique position in the country, the Government should consider setting up a Central University in the Union territory.

Hence, this Bill.

NEW DELHI;  
16 February, 2022

KULDEEPAI SHARMA.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert new section 3F in the Central Universities Act, 2009, so as to establish a new university as body corporate to be known as the Central University of Andaman and Nicobar Islands, having its territorial jurisdiction extending to the whole of the Union territory of Andaman and Nicobar Islands.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that a recurring expenditure of about rupees twenty crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred twenty crore is also likely to be involved.

## BILL NO. 146 OF 2022

*A Bill to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2022.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 21.

**2.** In section 21 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, after sub-clause (iii), the following clause shall be inserted, namely:—

56 of 2007.

"(iiiia) every senior citizen with an annual income of less than rupees eight lakhs shall be entitled to a fixed pension amount not exceeding rupees twenty thousand per month from the Senior Citizen Welfare Fund, established under the Finance Act 2015, in such manner as may be prescribed:

Provided that no pension shall be paid to a senior citizen, if such senior citizen or his immediate family member,—

(a) has paid income tax during the last three financial years; or

(b) is a permanent employee of any State Government, the Central Government or any Public Sector Undertaking."

## STATEMENT OF OBJECTS AND REASONS

As per estimations carried out in 2019, it was found that by the year 2050, India would be home to 319 million elderly people, *i.e.*, 19.5 per cent of the population. The country's pension system, as it stands today, covers only 35 per cent of senior citizens. If it continues to operate at such rate, by the year 2050, 20 million, or 61.7 per cent of India's elderly population will be without any income security. The rising life expectancy have resulted in an increase in population aged 80 years and above, accounting for nearly 1.1 crore people. When coupled with the ever-increasing trend of family nuclearization, age-related difficulties, and increased dependence on others, the economic vulnerability of senior citizens remains unquestionable. The Covid-19 pandemic has made it even more emergent to financially strengthen the elderly and senior citizens.

A recent study concluded by the Institute for Competitiveness (IFC), conducted on behalf of the Economic Advisory Council to the Prime Minister suggested that the government should launch a pilot project on the universal pension income programme for all old people living in the districts identified under the Aspirational District Programme. It must also ensure that the pension is at least 50 per cent. more than the minimum wages in the country. The findings of the study also suggest that the scheme must be non-contributory and the overall pension amount be financed equally by the Central and the State Government. The pension amount must be based on budgetary taxation instruments and credited through direct benefit transfers.

Research has also found that universal pension is a flat benefit that is based not on means test such as income or asset, participation in labor force, retirement from paid employment, etc. It is the easiest to administer and has low administrative cost as compared to other schemes. It is also a recognized international best practice, with countries like Mauritius, Namibia, Botswana, Antigua, Bolivia, and Nepal having a universal pension scheme in place. All these countries have smaller economies than India, and belong to the band of countries that are termed developing.

It is time now, that India emulate a policy to support its aging population during their irsilver years. Article 21 of the Indian Constitution recognizes the right of all citizens to lead a life of human dignity. As was observed in the land mark case of *Francis Coralie Mullin v. Union Territory of Delhi*, the right to live includes the right to live with human dignity and all that goes along with it, *viz.*, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading writing and expressing one self in diverse forms, freely moving about and mixing and mingling with fellow human beings and must include the right to basic necessities the basic necessities of life and also the right to carry on functions and activities as constitute the bare minimum expression of human self.

Thus, it becomes essential that pension be provided to senior citizens universally to uphold their fundamental right to life with dignity. Further more, the Constitution of India casts a duty upon the State to make effective provisions for securing public assistance in cases of old age as under article 41. Article 46 requires the State to promote the economic interests of the weaker sections of the society with special care, protecting them from social justice and all forms of exploitation. By way of this amendment, an attempt is being made to fulfil these positive obligation on the State as enshrined under the Directive Principles of State Policy so as to allow all elderly people and senior citizens to come out of their lives of financial instability, dependence, and vulnerability.

Hence, this Bill.

NEW DELHI;

KULDEEPRAI SHARMA.

16 February, 2022

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for payment of fix pension amount not exceeding rupees twenty thousand to every senior citizen with an annual income of less than rupees eight lakhs from the Senior Citizen Welfare Fund.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for making rules for the manner for providing pension from Senior Citizens Welfare Fund. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 197 OF 2022

*A Bill further to amend the Reserve Bank of India Act, 1934.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Reserve Bank of India (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 47 of the Reserve Bank of India Act, 1934, the following proviso shall be inserted, namely:—

Amendment  
of section 47.

"Provided that the Central Government may, in public interest for the development and welfare of the citizens, give directions to allocate the surplus profit of the bank to the Scheduled Banks for distribution to the beneficiaries of the various welfare schemes run by the Central Government."

## STATEMENT OF OBJECTS AND REASONS

Our constitution has provided for the establishment of constitutional autonomous bodies for a specific purpose and also by the Government through Parliament to further the goal of democracy and to achieve specific objectives to perform various functions. Constitutional and non-constitutional autonomous bodies established by the Government, are completely independent in their functioning and they allocate Government funds.

Our country is the largest democratic country in the world and our country has a democratic system of governance of the people, by the people and for the people. Democracy is a system of such governance under which the people have the right to choose their ruler as they wish. Various welfare schemes are implemented for all-round development of the country by the ruler elected through the people, but it has often been seen that some autonomous bodies of the country unnecessarily create obstacles in the welfare schemes run by the Government, which is not fair for a democratic country.

Today our country occupies a prominent place among the countries with the fastest economic development of the world. But, it is also true that a large section of our population is still living below poverty line. Today we need money to improve the standard of living of poor citizens and solve the challenging problems like education, health services, housing, clean drinking water, irrigation, roadways, food, employment etc. for the rapid all-round development of the country.

In a developed country like America, the Central Bank transfers the reserve/surplus amount to the Government more than a certain limit, and in England also, there is a provision to transfer such surplus money between the Central Bank and the Government. When there is a system to transfer surplus funds to the Government in the developed countries of the world, in our developing country like India, it is not appropriate to create obstacles to transfer the surplus funds to the Government for carrying out development related work.

By investing the surplus money in the development related work of the country, it will not only help in the rapid development of our country, but also help the poor people of the country to get benefited by the schemes of public interest to be operated from this amount and make way for them to join the mainstream of the nation which is the urgent need of the hour.

The autonomous institutions of the country, which are allocated funds by the Government for the performance of their functions, have the moral duty to take positive action by cooperating with the Government to promptly carry forward the public welfare schemes implemented by the Government for the development of the country and not to create a hindrance in this path. Therefore, it is necessary in the interest of the country that whenever the Central Government instructs the Reserve Bank of India to implement the welfare schemes run for the development of the country, the banks should accept them immediately in public interest without putting any objection.

Therefore, the intention of making further amendments in the Reserve Bank of India Act, 1934 is to implement central public welfare schemes without any hindrance to ensure all-round development of the country.

Hence, this Bill.

NEW DELHI;

GOPAL CHINAYYA SHETTY.

8 August, 2022



## BILL NO. 211 OF 2022

*A Bill further to amend the Rights of Persons with Disabilities Act, 2016.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

49 of 2016. **1.** (1) This Act may be called the Rights of Persons with Disabilities (Amendment) Act, 2022. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** After section 9 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as principal Act), the following section shall be inserted, namely:— Insertion of new section 9A.

"9A. (1) It shall be the responsibility of the appropriate Government to establish residential accommodation for the persons with disabilities in every district within their jurisdiction.

(2) The residential accommodation established under sub-section (1) shall be provided free of cost to the persons with disabilities."

Amendment  
of section 24.

**3.** In section 24 of the principal Act, in sub-section (3), the following provisos shall be inserted, namely:—

"Provided that the disability pension to persons with disabilities under clause (g) shall not be less than rupees six thousand per mensem which may be revised from time to time, keeping in view the prevailing cost of living index as may be determined by the Central Government:

Provided further that the amount of pension shall be disbursed to persons with disabilities by the appropriate Government either through its treasury or through any branches of a Nationalised bank in such manner as may be prescribed."

## STATEMENT OF OBJECTS AND REASONS

We have huge number of persons with disabilities in our country. They have to face numerous problems due to non-availability of adequate measures for care, livelihood and treatment. In this modern age they are living a pathetic life.

It is customary in our country to look-after the persons with disabilities but now the economic conditions are such that it is not possible for the low income persons to support them. Today we find millions of persons with disabilities who are unable to take care of themselves or who do not have sufficient means or any support to lead a happy life. These people, who are without any source of income, live in hunger and are left uncared for. The majority of the persons with disabilities are still left to fend for themselves. Our country, being a welfare State, should provide social security to such persons with disabilities and infirm persons.

In our country, assistance is provided to the persons with disabilities and blind persons under the social security system, but these measures are inadequate in today's perspective. Many countries of the world, including countries such as United States of America, Canada, Denmark, etc. provide financial assistance to the persons with disabilities and also take proper care for their treatment. In our country also, there is a need for social upliftment of persons with disabilities and blind persons by making proper arrangements for their pension and treatment of their diseases for their welfare and maintenance.

It is true that under the leadership of our esteemed Prime Minister, several welfare schemes are operational for the rehabilitation of the persons with disabilities and some States of the country are also doing good work for their welfare, but still specially in the wake of the global pandemic like Corona their condition has become more distressing and worrisome.

The need is to give impetus to the new social order and provide pension and residential facilities to persons with disabilities in addition to other social security already guaranteed under the Rights of Persons with Disabilities Act, 2016.

Hence, this Bill.

NEW DELHI;  
8 August, 2022

GOPAL CHINAYYA SHETTY.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the appropriate Government to establish residential accommodation to be provided free of cost to persons with disabilities in each district. Clause 3 provides for the payment of pension at the rate of rupees six thousands per month to such persons with disabilities who have no independent and adequate means of livelihood.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two thousand crore is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure to the tune of about rupees thirty crore will also be involved at the initial stage.

UTPAL KUMAR SINGH,

*Secretary-General.*